



Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, February 8, 2016

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 Erich Hartman were present, along with City Attorney Mark Gaughan arriving at approximately 6:23 p.m. City Attorney Hartman left shortly after the City Council reconvened in open session following the closed executive session.

2. Pledge of Allegiance

3. Approve Agenda

City Manager Trudgeon noted the written request of appellant Vogel Mechanical via email dated February 8, 2016, seeking deferral of the Consent Item 8.1 and a resolution stating findings for denial of their administrative appeal until receipt and approval of the January 25, 2016 public hearing and meeting minutes outlining the findings for denial.

Councilmember McGehee asked City Attorney Hartman whether or not the meeting minutes were necessary as long as the resolution recorded the findings in accord with the meeting.

Mayor Roe clarified that the findings were developed during the meeting and questioned if having the meeting minutes available was any different than adopting the resolution memorializing those findings from the meeting of January 25, 2016.

City Attorney Hartman clarified the question being asked of him, and Mayor Roe's confirmation of the resolution (Attachment A) providing an extract of minutes of the meeting... and those findings as noted. City Attorney Hartman advised that as long as the minutes were in the format as indicated by Mayor Roe and provided as an excerpt, having the actual full meeting minutes available would only be a formality; and he would agree that there was no reason to not take action on the Consent Agenda memorializing that action accordingly and as planned on tonight's agenda.

Without objection Mayor Roe indicated that the item would remain on tonight's Consent Agenda as presented.

Councilmember McGehee requested removal of Items 8.h and j from the Consent Agenda for separate consideration.

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

Roll Call

Ayes: Laliberte, McGehee, Etten and Roe.

Nays: Willmus

Motion carried.

4. Public Comment

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

a. Kathy Ramundt, 11651 Laurie Road

Ms. Ramundt noted her ongoing attempt to focus on what was good in the community; however, she noted the need she felt to address the recent resignation of Sherry Sanders from the City's Community Engagement Commission (CEC). Ms. Ramundt asked that this be considered by the City Council as a formal complaint related to a fellow CEC commissioner and similar to her personal issues specific to her past resignation from the Neighborhood Association Task Force serving under that same advisory commission. Given these formal complaints, Ms. Ramundt suggested it was perhaps time for the City Council to address something that was obviously not working.

Ms. Ramundt addressed the problems working with a CEC commission, poor treatment of residents by that commissioner, her attempts to resolve those issues personally without success, and her contact with Mayor Roe and City Council members, as well as meeting with Mayor Roe and City Manager subsequent to her resignation, with still no resolution. Ms. Ramundt noted that without an established process in place as she had previously requested, and once again being faced with the same issue, it was hard to determine what expectations or objectives were preferred.

Ms. Ramundt asked that the City use what it had learned and institute a Code of Conduct with the expectations that those representing the City and the City Council show respect. Ms. Ramundt suggested that, if "Code of Conduct" language was found to be too strong by the City Council, it call them "Guidelines." However, Ms. Ramundt opined that at a minimum a written process be established for complaints and issues, particularly for the City Council's community advisory commissions; and suggested the City's Volunteer Coordinator be considered as the initial contact person. Ms. Ramundt noted that this issue was not new, and stated that others had resigned due to being unable to work with a commissioner. Ms. Ramundt opined that this was sad to think about the great resources having been lost due to an unfortunate situation.

Ms. Ramundt advised that, when speaking with Mayor Roe, he indicated that there were no previous complaints, or none documented. However, Ms. Ramundt noted that there was at least one other "formal complaint" months prior to hers. In Mayor Roe's added comment about what was considered a free speech issue, Ms. Ramundt suggested that a written complaint not being responded to was not the same as it not being received.

Ms. Ramundt noted that Ms. Sanders had stated that her resignation was a formal complaint against the same commissioner; but she was unaware that anyone had yet to address her problem. Since this behavior appears to continue without a record being kept, Ms. Ramundt opined that it was time to do so.

Ms. Ramundt recognized the City Council's understanding of the importance of community engagement, as well as that of others in the community; and asked what the City Council considered their legacy would be when it did or did not address these warnings and the disrespectful atmosphere created and continuing to crop-up. Ms. Ramundt noted the need for a long-term strategy, since this isn't the first time she's brought forward the need for a formal complaint process and code of ethics.

Given the existing problem, Ms. Ramundt reiterated the need for a process to be in place to address; and asked that she not need to come before the City Council yet again on this topic. However, if no resolution is put forward, Ms. Ramundt promised to come forward again; and stated that she held each Councilmember responsible for those volunteering on their advisory commissions; and asked again what message they were sending to the community.

Ms. Ramundt stated that she expected that no one should ever say they were disrespected by a commissioner or anyone else representing the City Council. Ms. Ramundt concluded by stating the City Council's action or lack of action would follow them into the next election and after.

b. Sheila Rose, 2175 Victoria Street (at County Road B and Victoria Street)

As a thirty-plus year resident of Roseville, Ms. Rose stated that she felt disrespected by the City and its employees, specific to the work done on Victoria Street. After having been told that there would be nothing done on the west side of the street where she lives, Ms. Rose noted coming home to find markings on her yard, but after again contacting City Hall, was assured nothing was being done on that side. However, Ms. Rose reported that she came home one day to find her driveway dug up, necessitating her need to park off-site, and her and several neighbors being inconvenienced. Ms. Rose also noted that they received notices about their water being shut off after the work had already been done in her case.

Ms. Rose stated it was her understanding that public hearings were required and notices provided prior to work being done; however, she noted this had not been done, nor had her neighbors received any notice. Ms. Rose noted that she had complained several times, to no avail.

Now with the work proposed at Victoria and the Lexington Avenue bridge, with the City Council being the final rule in the city, she asked what recourse citizens

had. With that work proposed for burying sewer during the night and early morning hours, and even though she had sent emails to the Public Works Department, Ms. Rose expressed her lack of confidence that her voice had been heard. Ms. Rose questioned whether others would want work being done in front of their homes during those hours and causing them to lose sleep. Therefore, Ms. Rose stated her intent to make the City Council aware that their employees were not respecting the rules and holding public hearings as required. If employees are not doing their jobs in following the rules, Ms. Rose opined that it started at the top.

Mayor Roe clarified that no action had been taken yet on the noise variance request (Sandhurst project) for sewer projects of concern to Ms. Rose.

Specific to the Victoria Street project of 2015, Mayor Roe asked City Manager Trudgeon to report back to the City Council, Ms. Rose, and public on that situation at an upcoming meeting.

c. Diane Hilden, 466 Bayview Drive

Ms. Hilden stated her intent to reinforce and wholeheartedly agree with the comments of Ms. Ramundt related to unethical behavior occurring in the city, noting that she had also addressed these concerns to the City's Ethics Commission, with no response to-date. Ms. Hilden stated that these issues had been of concern to her over the last year, and now again with this most recent issue. Ms. Hilden noted that she had communicated these concerns to each councilmember and with the City Manager and had not yet received a response.

Ms. Hilden noted that the last communication she had sent via email was concerning the January 25, 2016 meeting and Vogel Mechanical issue where she had observed some very rude and impertinent behavior from a fellow Roseville citizen, questioning the credibility of another Roseville citizen. Ms. Hilden opined that this behavior should not be allowed in the city, and she had found it disheartening not to have received a response other than one stating that she was personally "strong enough to take care of it" on her own. Ms. Hilden expressed her disappointment with that vein of argument and stated she would have appreciated some response and action by the City Council.

Ms. Hilden expressed her hope that citizens would not have to endure similar or repeated offensive behavior in the future.

Ms. Hilden noted that she had also written to Councilmembers in the past about her experience with the CEC, and while not serving in the role of advisory commissioner, she had served on a task force discussing possible changes for community neighborhood organizations. Ms. Hilden noted her founding of and service on the Lake McCarrons Neighborhood Association. While serving on this task force, Ms. Hilden advised that she had been forced to resign, as had most of its members, due to the disrespectful and mean behavior of one member.

Ms. Hilden clarified that it was not her intent with these comments tonight for any type of character assassination but only to ask that the City initiate a process to address citizen concerns expressed via written, verbal or, email to assure their complaints were being heard and responded to.

City Attorney Gaughan arrived at this time, approximately 6:23 p.m.

Ms. Hilden stated that this is a plea for citizens to be heard; and that whatever the circumstance, they receive at a minimum a response. Ms. Hilden clarified that this was not a request for an official city complaint department, but much more than that, a recommendation for a formal process to be developed to deal with this type of situation in order to avoid stifling discussions and allowing for differing points of view to be expressed. Ms. Hilden opined that the behavior that has gone on at the CEC and events at the January 25, 2016 meeting detracted from residents seeking volunteer opportunities in the community.

Ms. Hilden reiterated that this is not personally directed against anyone; but expressed her interest in hearing from council members and their intent to develop a written policy. Also, Ms. Hilden requested a formal response to her emails from someone at City Hall to at least let her know their feelings on this. Ms. Hilden opined that when residents spoke publically, it was nice for them and fellow residents to be assured they would be responded to. Ms. Hilden recognized that it wasn't easy for many citizens to speak publically; and therefore was seeking a constructive and productive means to address this type of situation in the future.

d. Sherry Sanders, S McCarron's Boulevard

Ms. Sanders stated that she fully supported the comments made by Ms. Hilden and Ms. Ramundt; and encouraged the City Council to create some form of formal complaint process to protect Roseville residents.

5. Council & City Manager Communications, Reports, and Announcements

Mayor Roe announced vacancies on Roseville citizen advisory commissions and the process for applications, interviews and appointments, and contact options for additional information.

Mayor Roe provided a reminder of upcoming open houses for information on MnDot projects occurring in 2016 in or near Roseville.

Mayor Roe reminded residents of upcoming Buckthorn brush removal at Materion Park and the State of the City Address.

City Manager Trudgeon reported on his attendance last week at the Mounds View School District No. 621 meeting and shared demographic information from that meeting, similar to that being experienced in District 623. Mr. Trudgeon noted the tremendous uptick in

enrollment in District 621 students, resulting in their closure of open enrollment. Mr. Trudgeon reported that the anticipated development of the former Twin Cities Army Ammunition Plant (TCAAP)/Rice Creek Commons would result in those new students eventually ending up at Irondale School. Mr. Trudgeon also noted current construction on Highway 96 of the new Ramsey County Library – Shoreview branch and move of the Mounds View School District headquarters into the current library upon completion of the new building.

Councilmember McGehee responded to comments during public comment this evening, stating that she was a long-time proponent of acknowledging those comments at the time they occur. Having experienced similar situations in the past, Councilmember McGehee advised that she had spoken to the City Council and City Manager about the need for a process. Councilmember McGehee noted that the City Council had the authority to take action, but had chosen not to do so to-date. Councilmember McGehee opined that it blemished the City Council as well as those advisory commissioners representing them, and further opined that the City Council needed to take some action or set a process to address these issues as they arise, some of them having been outstanding for some time.

Councilmember McGehee noted that she had also experienced the water to her home being shut off before she received notice. Now that the turnover in the Public Works Department had waned, Councilmember McGehee voiced her hope that the process would improve; but was hopeful as well that the speaker would get a follow-up report.

Mayor Roe reported on his attendance at a meeting last week on the renewal of the Comcast Franchise Agreement. Mayor Roe further reported on the second franchise, CenturyLink, and their report that they had 73% Roseville residents who were theoretically capable of obtaining their service if interested. Mayor Roe reported that CenturyLink would need to verify speeds on their maps, and as that is completed, if a resident is interested and calls CenturyLink, they would sign them up for their services

6. Recognitions, Donations and Communications

a. Present Green Building Award Winner

Mayor Roe recognized the 2015 Roseville Green Award Program first prize winners, Anthony & Julie Albecker, 405 Lovell Avenue, noting this award presentation had been postponed from the last meeting.

Jeanne Kelsey introduced Anthony Albecker and asked him to review some of the improvements to their home and to share his passion for the project and use of green materials.

As a resident of Roseville for the last ten years, Mr. Albecker expressed his family's desire to stay in Roseville, while recognizing the limitations of their two-bedroom rambler with a single-car garage. As an employee at the U of MN, Mr. Albecker expressed their interest in doing their remodel right, and use of structural insulated panels versus conventional construction for walls. Mr. Albecker re-

ported that the material was performing as expected and even after experiencing fraud issues with their contractor, were pleased with the process. Mr. Albecker noted that, along the way and due to the challenges of the process, his family had gotten to know some great city officials and employees, especially after he and his wife took over as General Contractor for the project.

At the request of Councilmember Willmus, Mr. Albecker displayed the prefabricated insulated panels, manufactured in Cottonwood, MN from recyclable wood chips surrounding Styrofoam panels.

Councilmember Laliberte thanked Mr. Albecker for his family's investment in Roseville; with Mayor Roe adding their being an example for other residents as well.

Ms. Kelsey presented a certificate and \$500 check to Mr. Albecker as the 2015 Green Award Program recipient.

Mr. Albecker thanked the City for this acknowledgment and the financial reward of their community efforts and work.

Mayor Roe announced that, in accordance with Minnesota State Statute, Chapter 13.D.05 and exceptions to open meeting laws, he would entertain a motion to move into closed session.

Laliberte moved, Etten seconded, recessing the City Council meeting at approximately 6:42 p.m. and convening in Closed Executive Session, per State Statute 13.D.05 for the purpose of discussing negotiations and potential acquisition of property at property at 1716 Marion Street

Roll Call

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

Nays: None.

CLOSED EXECUTIVE SESSION

Mayor Roe convened the City Council in Closed Executive Session at approximately 6:45 p.m. for the purpose of discussing negotiations and possible property acquisition at 1716 Marion Street. In addition to the Councilmembers, City Manager Trudgeon, City Attorneys Hartman and Gaughan, and Assistant to the City Manager Kari Collins were also present.

At approximately 7:26 p.m., McGehee moved, Willmus seconded, adjourning the closed session and reconvening in open session.

Roll Call

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

Nays: None.

7. Approve Minutes

8. Approve Consent Agenda

Mayor Roe reconvened the city council in open session at approximately 7:30 P.M. 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 February 8, 2016.

a. Approve Payments

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

ACH Payments	\$562,793.32
80304 – 80418	505,659.66
TOTAL	\$1,068,452.98

Roll Call

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

Nays: None.

b. Approve Business & Other Licenses & Permits

McGehee moved, Etten seconded, approval of business and other licenses and permits for terms as noted.

Roll Call

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

Nays: None.

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

Councilmember Laliberte asked if the expenses for the Police Department Interview Room indicated a total cost or if additional charges or work would be coming later.

City Manager Trudgeon responded that he was unsure and would follow-up with more definitive information later; while clarifying that this was a budgeted expenditure and assumed there may be some additional expenditures forthcoming.

McGehee moved, Etten seconded, approval of general purchases and contracts for services as noted in the RCA dated February 8, 2016, and Attachment A entitled, "2016 Capital Improvement Plan Summary," dated January 31, 2016.

Roll Call

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

Nays: None.

d. Adopt a Resolution to Approve 2016 Apportionment of Assessments

McGehee moved, Etten seconded, adoption of Resolution No. 11294 entitled, "Resolution Relating to Apportionment of Assessments for the year 2016."

Roll Call

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

Nays: None.

- e. **Approve Resolution Awarding Bid for 2016 Sanitary Sewer Main Lining**
McGehee moved, Etten seconded, adoption of Resolution No. 11295 (Attachment A) entitled, "Resolution Awarding Bids for 2016 Sanitary Sewer Main Lining;" awarding bid total B to the firm of Insituform Technologies USA, LLC in an amount not to exceed \$790,727.70.

Roll Call

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

Nays: None.

- f. **Certify Unpaid Utility and Other Charges to the Property Tax**
McGehee moved, Etten seconded, adoption of Resolution No. 11298 entitled, "Resolution Directing the County Auditor to Levy Unpaid Water, Sewer and Other City Charges for Payable 2015 or Beyond."

Roll Call

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

Nays: None.

- g. **Accept Shared Services Update**
McGehee moved, Etten seconded, received the quarterly update on shared services as presented by staff.

Roll Call

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

Nays: None.

- i. **Award Custodial Services Contract Agreement for Park Buildings**
At the request of Councilmember Laliberte, City Manager Trudgeon confirmed that city staff was taking care of custodial needs in restrooms and central areas in Jaycee and Central Parks, and that those were not part of this outside service contract.

McGehee moved, Etten seconded, approval of an Agreement for Professional Services for cleaning services between the City of Roseville and The Cleaning Authority for professional cleaning services at Autumn Grove, Lexington, Oasis, Rosebrook Sandcastle and Villa Park Buildings, and the Muriel Sahlin Arboretum support building, in an amount not to exceed \$51,000, funded through the adopted

2016 Parks & Recreation budget; and authorizing the Mayor and City Manager to execute the document(s).

Roll Call

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

Nays: None.

l. Adopt a Resolution DENYING the Appeal of an Administrative Decision by Vogel Mechanical, Inc. at 2830 Fairview Avenue N

Mayor Roe asked if the draft resolution, as Attachment A to the RCA dated February 8, 2016, reflected the motion maker, seconder, and vote at the Board of Adjustments and Appeals on January 25, 2016.

Community Development Director Paul Bilotta advised that the resolution had been drafted by the City Attorney's office and memorialized the findings of that meeting.

City Attorney Gaughan noted lines 88-91 of the resolution providing a recitation of the Board motion of January 25, 2016; and as stated by Mr. Bilotta served to memorialize the findings of that action and would be appropriate for adoption on the Consent Agenda.

At the request of Mayor Roe, City Attorney Gaughan stated that there was no need for the makers of the motion tonight to match those of the action by the Board on January 25th.

McGehee moved, Etten seconded, adoption of Resolution No. 11297 (Attachment A entitled, "Resolution Governing an Appeal by Vogel Mechanical, Inc. regarding an Administrative Decision; DENYING the administrative appeal.

Roll Call

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

Nays: None.

9. Consider Items Removed from Consent

h. Accept Grant Applications update

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed this item being considered under the Consent Agenda; and as detailed in the RCA and related attachments dated February 8, 2016.

Councilmember McGehee noted the total project amount of \$139,000 for the Legion Baseball Field Improvements, and only \$10,000 grant funds received from the MN Twin Baseball Club. Councilmember McGehee opined that it appeared the city in-kind match far exceeded any advantages of the minimal grant award;

and questioned if it was appropriate to spend city staff time in pursuing such minimal amounts.

City Manager Trudgeon stated that approval of the Legion Ballfields had been approved and funded through the Capital Improvement Program (CIP) budget as an expenditure. To the credit of the Parks Department staff, City Manager Trudgeon advised that the \$10,000 in grant funding from this organization had reduced that city expenditure by \$10,000, otherwise it would have all been borne by the city.

Councilmember McGehee noted that her concern was based on past situations where the city match far exceeded the grant award.

Councilmember Laliberte noted that the grant requested from the MN Department of Public Safety for human trafficking investigations indicated no award amount; and questioned if this indicated there was no grant awarded or if it was still pending.

City Manager Trudgeon suggested it meant the grant award was still pending, but offered to follow-up with additional information on that as well.

McGehee moved, Willmus seconded, receive the quarterly update on grant applications as presented by staff.

Roll Call

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

Nays: None.

j. Approve Farrington Estates Public Improvement Contract

Mayor Roe suggested, without objection, since the Final Plat approval required approval of the Public Improvement Contract, that these items be combined. At the request of Mayor Roe, City Manager Trudgeon briefly reviewed this item as detailed in the RCA and related attachments, dated February 8, 2016.

Councilmember McGehee noted previous discussion about tree preservation on the Outlot on Highway 36; and immediately following that discussion, the lot was clear-cut. Councilmember McGehee opined that if the city was serious about tree preservation, particularly along Highway 36 where the trees provided a noise buffer and beautification, she found this result disappointing to say the least. Councilmember McGehee asked if the Outlot was a stormwater management area, or if it included public space for walking or would be fenced as an Outlot.

City Manager Trudgeon stated he didn't believe it was intended to be fenced in, and if it was a utility easement, the city would have access.

Mayor Roe clarified that the parcel is only accessible from Highway 36 or from private property, and therefore would not be advertised as a city amenity for the use of the general public.

Councilmember McGehee questioned if it would be possible to use some dedicated funding for planting along Highway 36 to make that area more attractive.

Mayor Roe suggested that would be appropriate to bring up for City Council consideration at a future date.

Councilmember McGehee stated her interest in having that discussion if Councilmembers were interested in doing so, noting that since the Outlot had been clear cut along Highway 36 already, it shouldn't be a big job to add vegetation while other work was underway.

Councilmember Willmus questioned if the city could require the property owners to do so at this point unless the city wanted to partner with them, which would be a later discussion and not germane to this current discussion before the City Council on acting on the Final Plat or the Public Improvement Agreement.

Mayor Roe concurred with the comments of Councilmember Willmus.

McGehee moved as part of the Public Improvement Contract consideration of planting public trees along Highway 96.

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

Willmus moved, Etten seconded, a Public Improvement Contract – Farrington Estates – subject to final approval of the Final Plat; and authorizing the Mayor and City Manager to execute the document(s).

Councilmember Laliberte expressed her interest in a future discussion on how and why a lot can be clear cut, and as a separate discussion from this action.

Mayor Roe noted it was his understanding that the decision had been related to tree preservation and stormwater management issues; and suggested if the city wanted to plant trees at some point in the future it could do so.

Councilmember Laliberte expressed interest in future discussion and hearing from the Public Works Department about the issue.

Roll Call

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

Nays: None.

k. Approve Farrington Estates Final Plat, Premium Real Estate Solutions, LLC, 311 County Road B (PF15-004)

As previously noted by Mayor Roe after consultation with City Attorney Gaughan, this item was also removed from the Consent Agenda pending affiliated action of the Public Improvement Contract.

Willmus moved, Etten seconded, adoption of Resolution No. 11296 (RCA Exhibit C) entitled, "A Resolution Approving the Final Plat of Farrington Estates (PF15-004); and accepting a park dedication fee in lieu of land in the amount of \$17,500, payable by the applicant before the signed final plat is released by City staff for recording at Ramsey County, for property located at 311 County Road B.

For the benefit of the public, Mayor Roe clarified that the Planning Commission and City Council had taken previous action approving the Preliminary Plat for this area, and this administrative action was basically formalizing of the lots.

Roll Call

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

Nays: None.

10. General Ordinances for Adoption

a. Proposed Text Amendments to Roseville City code, Chapter 907, Registration of Residential Rental Property of 1 to 4 Units

Community Development Department staff, Jeanne Kelsey, summarized this requested action as detailed and highlighted in the RCA dated February 8, 2016. Ms. Kelsey thanked Trevor Johnson, Intern provided and paid for by the University of Northwestern to review Roseville's Rental Registration Program for its effectiveness and to recommend any administrative changes now that it had been in operation for a while. Ms. Kelsey noted that the general recommendation was that the program continue to focus on educational versus inspection efforts as indicated in the report.

At the request of Mayor Roe, Ms. Kelsey confirmed that the City Attorney recommended not striking language from rental units and not identifying them as non-owner occupied.

Public Comment

Annette Phillips, 3084 Shorewood Lane

Ms. Phillips noted that she had served as an original member of the task force creating this ordinance; and opined that she found the majority of language changes to be good.

However, Ms. Phillips questioned Item 0907.04 (5) and striking out owner language.

Mayor Roe clarified that the old item number 5 language indicated whether a unit was occupied by the owner and borders; and this new language only spoke to how many bedrooms and bathrooms were in a unit and the number of renters allowed per unit; both with the same intent.

Ms. Phillips stated her understanding was that it referenced whether or not a unit was owner-occupied, and noted she had heard otherwise if a unit was not owner-occupied.

Mayor Roe noted that this language applied to owner-occupied or non-owner-occupied units, as long as it was rental property and whether or not the owner lives on site or not, the information has to be recorded. Mayor Roe noted that was his initial question to staff and their response that this language was recommended by the City Attorney.

Ms. Phillips opined that this made sense now that it had been clarified for her.

Ms. Phillips questioned city code definition of family, and read that portion out loud, opining that she found it vague indicating any individual owner living and maintaining a common household and using a common kitchen and cooking facility and to her seemed to be a separate issue from defining a real family unit.

Mayor Roe clarified that was language from the zoning code as referenced, and that "family" was not previously defined. However, regardless of requirements related to whether or not a unit is being rented to a family member, Mayor Roe noted the same requirements would apply, and the exception to the fee would also still apply.

Ms. Phillips cited an example known to her of a rental house with five people living there: two brothers so they'd be considered family, but she questioned how to eliminate that type of interpretation.

Mayor Roe recognized Ms. Phillips example, and suggested that needed further consideration and review regarding how exceptions may be made for one person.

Ms. Phillips commented on what had been happening through this process since the original recommendations had been put together by the Rental Task Force and they defined all actions weekly without emphasis on any type of commitment and enforcement or ordinance. Ms. Phillips opined it had been their intent to put the responsibility on the owner for voluntary registration, and she further opined that some good things in having that knowledge had resulted and it had accomplished several things. Ms. Phillips noted that the task force had shied away from inspec-

tions or code enforcement; but expressed her disappointment to see that this new draft didn't show any city interest in action to allow more code enforcement in order to maintain good rental properties in the city.

Councilmember McGehee recognized that it was a common issue that too many occupants were housed in a rental unit, and also noted there was an exception for family for owner-occupied rental units. Councilmember McGehee asked Ms. Kelsey for examples of such a definition.

Ms. Kelsey responded that there were several definitions, and referenced them in the ordinance language: one related to single-family rentals and another to how many non-related entities can live together (four).

Community Development Director Bilotta concurred, noting that the entities couldn't be added together, and provided several examples, indicating that the maximum number should be four unrelated adults living in one rental unit; not a mix and match situation, but either or.

Discussion ensued regarding various examples.

Councilmember Laliberte noted that the study looked at the language and not necessarily where rental properties were located citywide. Councilmember Laliberte noted that other cities had looked at high usage areas for rentals in their communities, considering minimums and maximums, and asked if anything had been done to-date similar to that in Roseville.

Ms. Kelsey and Mr. Bilotta noted that this was not part of the study performed by the Intern, but had been talked about in-house.

Mayor Roe and Councilmember McGehee recognized and gave credit to Mr. Johnson for his thorough, well-written document and asked that staff relay that appreciation to him of a job well done.

Mayor Roe opined that this document provided valuable information, and suggested the study be made available on the City's HRA/EDA webpage for reference.

McGehee moved, Etten seconded, enactment of Ordinance No. 1495 (Attachment D) entitled, "An Ordinance Amending Chapter 907 to the City of Roseville City Code Regarding Registration of Residential Rental Property of 1 to 4 Units;"

Mayor Roe noted that there was no ordinance summary for this chapter, and since it was fairly lengthy and would be costly to publish, suggested it may be prudent to table enactment until a draft ordinance summary was prepared and presented for consideration and formal action.

Willmus moved, Etten seconded TABLING consideration of this action to the February 22, 2016 meeting.

Roll Call

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

Nays: None.

- b. **Consider Rezoning of Property at 3253 and 3261 Old Highway 8**
City Planner Thomas Paschke briefly summarized this request as detailed in the RCA dated February 8, 2016.

At the request of Mayor Roe, Mr. Paschke confirmed that once the property is designated in the comprehensive plan, the city was obligated to rezone it to match it, and if rezoning was not approved, it would be inconsistent with that plan and in violation of that requirement.

No one appeared to speak to this issue.

Willmus moved, Etten seconded, enactment of Ordinance No. 1493 (Attachment B) entitled, "An Ordinance Amending Roseville City Code, Chapter 10, Changing Zoning Designation of Certain Real Property located at 3261 and 3253 Old Highway 8 from High Density Residential – District (HDR-1) to Medium Density Residential District (MDR)

Councilmember McGehee spoke in support of the motion for the reasons listed: density use of adjacent properties being similar; sufficient traffic at that 5-way intersection and lack of sidewalks in the area to dissuade HDR designation; opposition to HDR by neighborhood property owners; and the significant wetland and environmental issues related to this site.

Roll Call

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

Nays: None.

- c. **High Density Residential Interim Ordinance (Moratorium)**
Community Development Director Bilotta summarized the purpose of and impacts of the proposed moratorium on rezoning and comprehensive plan amendment requests during its duration. Mr. Bilotta clarified that there were currently two rezoning applications in process that had been submitted prior to this action; and noted that they would continue forward accordingly without ramifications of a moratorium.

Having brought this request forward, Councilmember Willmus elaborated further on his intent to halt further rezoning requests or comprehensive plan amendments

related to HDR throughout the city until the City Council had an opportunity to review citywide issues and future planning.

No one appeared to speak to this issue.

Willmus moved, Etten seconded, enactment of Ordinance No. 1494 (Attachment C) entitled, "An Interim Ordinance Establishing a Moratorium Temporarily Prohibiting the Rezoning of Property for HDR-1 and HDR-2 in the City of Roseville;" effective upon publication and for a period of up to 90 days.

Roll Call

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

Nays: None.

11. Presentations

a. Federal Bureau of Investigation (FBI) National Academy Presentation

Chief Mathwig introduced the opportunity provided by the FBI for officers to participate in graduate level discussions, training and education through the academy. Chief Mathwig proudly noted that Lt. Erika Scheider was the fourth member of the Roseville Police Department over the last thirty years.

Lt. Erika Scheider

Lt. Scheider reported on her recent attendance at the FBI National Academy, Session 262, stating it was a humbling experience to represent the City of Roseville and its Police Department. Lt. Scheider thanked the Police Department, Chief Mathwig and officers who had performed a lot of extra work during the ten weeks she was attending the academy; and thanked family and friends for their care of her family during that time also.

Lt. Scheider reviewed some of her experiences at this national academy attended law enforcement officials and held four times per year, offering different courses throughout the ten-week program. Lt. Scheider noted that the intent of the program was to support, promote and enhance development of law enforcement leaders; and had been initiated at Quantico in 1935 and served approximately 200 – 240 students at each program, with those officers averaging nineteen years of experience in law enforcement. Lt. Scheider reported that the program focused on four pillars of education, covered academics and leadership development, and addressed challenges currently being faced by law enforcement personnel across the country, as well as physical fitness challenges.

Lt. Scheider reported that her take away from the academy included the relationships with law enforcement peers and development of a network to over 200 fellow officers, sharing of ideas and their availability to each other; achieving the "yellow brick road" obstacle course over that ten-week period; and the speech of

the FBI Director at the 262nd graduation of the FBI National Academy. Lt. Scheider opined that her attendance would be of benefit to her, her colleagues, and the citizens of Roseville.

Mayor Roe congratulated Lt. Scheider, noting that her accomplishments had now raised the city's expectations of her, which may be an unintended consequence of her attendance. However, Mayor Roe noted the City of Roseville and City Council's pride in Lt. Scheider's work; and thanked her for that and her service to the community.

Councilmembers concurred with Mayor Roe.

b. Discussion with Various Commissions (Community Engagement, Human Rights and Ethics Commission)

At the request of Mayor Roe, City Manager Trudgeon referenced recent conversations late last fall (Attachment A) when the City Council directed the Human Rights Commission (HRC) and Community Engagement Commission (CEC) to review the scope and functions found in their specific city code commission chapters and make recommendations of any changes they considered applicable. As part of a broader discussion, City Manager Trudgeon reported that the City Council discussed the current Ethics Commission and whether or not it should be looked at differently going forward.

City Manager Trudgeon noted that Chair Wayne Groff of the HRC and Chair Scot Becker of the CEC were in attendance tonight, as well as Norine Quick-Lindberg representing the Ethics Commission; and invited them to briefly speak to their recommendations.

Chair Wayne Groff, HRC

Chair Groff reviewed the HRC projects projected in 2016, including the Naturalization Ceremony swearing in new residents and sponsored by the HRC; the annual Essay Contest, reporting the much better response of students this year (tripling to over 130 applicants), based on the hard work of former HRC Commissioner Bachhuber and Commissioner Christianson who worked directly with teachers at the school to phrase this year's question with school curriculum. While this means a lot of work for HRC Commissioners, Chair Groff stated that he anticipates a good contest this year and anticipated presenting winners to the City Council in May.

Chair Groff noted the HRC's excitement to have a presence in the Rosefest Parade this year; and looked forward to the appointment of three new commissioners to serve soon and hearing their ideas.

As noted in the packet materials, Chair Groff referenced the HRC's review of Chapter 205 related to the HRC and noted minor questions or suggested revisions.

Chair Groff noted the HRC's interest in participating in the City Council's efforts as outlined in their strategic planning document (PPP) focusing on SE Roseville.

Mayor Roe thanked Chair Groff for his comments; and noted that much of the draft HRC ordinance language remained from the 1960's and its initial establishment; and expressed his appreciation for their review and suggestions.

Councilmember McGehee questioned the HRC's interest in bringing up ethnic days as part of the Rosefest parade or at different times of the year, such as recent activities at the Central Park band shell as an example. While unsure of the role of the HRC in promoting those ethnic events, Councilmember McGehee expressed the interest of the City Council to bring some of those groups forward to share their culture with the community, and of considerable interest to her. Councilmember McGehee expressed her appreciation for what the HRC had done to-date, not just in terms of their general scope of diversity, but also recognizing mental illness, physical handicaps, and accessibility to city facilities and amenities, representing a broader mission than human rights. Based on comments made earlier tonight during public comment related to a city complaint process, Councilmember McGehee suggested the HRC may be able to work with the Ethics Commission to look into such a process.

Councilmember Etten also expressed his appreciation for the work of the HRC in redefining its scope and defining itself from the CEC. Councilmember Etten further expressed appreciation for the strong programs they facilitated and reaching into the schools and revising the annual Essay Contest to coordinate with student curriculum and the positive results in getting more students involved.

Referencing the HRC's highlighting of their Scope, Duties and Function, Section 205.02, Item B of Chapter 205 and uncertainty about the intent of a "human relations project," Councilmember Etten expressed his confusion as well about what that statement meant or whether the HRC should be doing that or whether it was meaningful to the commission code without further definition. Councilmember Etten opined that he found that section superfluous.

Councilmember Laliberte thanked the HRC for their work in updating this chapter, which hadn't been addressed during the broader Uniform Commission Code review, she opined that they had made it a better document. Councilmember Laliberte agreed that the aforementioned Item B should be removed from the HRC scope, duties and function, as it was no longer relevant.

Mayor Roe agreed that he had no interest in retaining that Item in this document.

If the HRC doesn't feel it should be part of their mission, Councilmember McGehee expressed her interest in it being looked at as part of the City Council's ongoing look at SE Roseville, or planning and programming for Parks & Recreation

programs to ensure accessibility to existing or future buildings and facilities. If not belonging under the HRC's scope, Councilmember McGehee suggested it belong by reference somewhere for city staff as part of their process.

Chair Groff offered his agreement in part with Councilmember McGehee specific to "human relations," and opined he thought it covered educational efforts and should refer back to the Americans with Disabilities Act (ADA).

Mayor Roe agreed that a human relations program sounded like a document, and if based on programs and education, it was covered elsewhere allowing for removal of Item B from this chapter to eliminate confusion.

Mayor Roe addressed language highlighted by the HRC under Section 205.02 (third line) related to participation in the affairs of this community by assisting the state department of Human Rights in implementing the Minnesota Human Rights Act. Mayor Roe questioned what form that would take for the Roseville HRC.

Chair Groff advised that the HRC had discussed this section, and suggested it needed further clarification to remove any indication of an enforcement function, but also allowing reference to the State Human Rights Act as the initiation of the Roseville HRC and its promotion and education of those values in Roseville.

Mayor Roe questioned if the language included in the following paragraphs (Items A through F) sufficiently covered other agencies and groups that allowed eliminating the aforementioned language.

Councilmember Willmus opined that by leaving the language within the scope of this chapter, it created an environment of confusion of what the Roseville HRC could actually do, and therefore caused him concern.

Councilmember Laliberte expressed her interest in leaving the language referencing the Minnesota Human Rights Act, and its reference in that paragraph, but instead of saying the Roseville HRC "advised," perhaps state that it "supported" those efforts.

Mayor Roe suggested that the HRC look at that language again and make a recommendation to the City Council.

Councilmember Etten agreed with Councilmember Laliberte's suggestion of the Roseville HRC advocating and supporting the Minnesota Human Rights Act.

Mayor Roe suggested substituting Councilmember Laliberte's language and remove "in implementing" and replace it with "...by assisting the state department of human rights in implementing the Minnesota Human Rights Act by advocating and supporting the Act, and advising the City Council..." Mayor Roe personally

suggested that there be no modifier related to advising the City Council on programs to improve community relations, whether short- or long-range programs, that either should be considered.

Chair Groff advised that he would bring that suggestion back to the HRC at their next meeting.

Mayor Roe echoed the comments of his colleagues on the good work accomplished and being done by the HRC and thanked them for their review of this document. Mayor Roe recognized that it had been stressful for the HRC over the last few months with a shortage of members. Mayor Roe further echoed support to build cultural activities into existing events or into the life of the community; and encouraged the HRC to foster that and make recommendations to the City Council accordingly.

Chair Scot Becker, CEC

Chair Becker briefly summarized the materials (Attachment C) providing the status of 2015 CEC priority projects and an overview of CEC adopted 2016 priority projects proposed. Chair Becker reported that the joint task force of the CEC and Planning Commission to study notification issues and formats, as well as recommendations to the City Council on formation of neighborhood associations was anticipated early in 2016.

In 2016 Priority Projects of the CEC, Mayor Roe noted the third bullet point “expanding city leaning/engagement opportunities,” suggesting the need to discuss with the CEC the line between recommending, advocating, advising and implementing. Mayor Roe opined that the implantation category needed further review of those lines from his perspective, specifically if considerable time was intended to be spent by the CEC in forming a welcome packet and/or implementing a city open house.

Chair Becker advised that he shared those concerns, and part of the CEC’s recommendations to the City Council would be directing reliance on city staff for implementation.

Mayor Roe stated that his personal expectation specifically with starting community visioning work prior to the 2017 comprehensive plan, one thing talked about with the CEC last year and the different categories and spectrum of engagement (e.g. identifying stakeholders and tools for each type of process). Mayor Roe opined that was key in looking at the comprehensive plan update. However, with the *current Imagine Roseville 2025* document being over ten years old and some of its provisions out-of-date based on decisions before the city now, Mayor Roe suggested it may be time to recommend a process to update – not recreate – that community vision as a starting point to initiate the comprehensive plan update. Mayor Roe opined that it would be his goal to have that update, not

an extensive document difficult to use, but as a reference document at which time that related infrastructure work could be tied into other engagement processes (e.g. SE Roseville) and without giving the CEC too much that would prove difficult for it to accomplish in a timely manner.

As a member of the Imagine Roseville 2025 Subcommittee, Councilmember Willmus stated he found the organization of that group overall quite effective and broad, with a number of satellite groups reporting back to the broader steering committee. Councilmember Willmus expressed his interest in retaining that model, but questioned if that effort should be put on the CEC.

Mayor Roe clarified that it was not his intent that the CEC run the process, but simply recommend a process back to the City Council.

Councilmember Willmus suggested the CEC could recommend utilizing the past process and ways to tweak it; and expressed appreciation to Mayor Roe for clarifying his intent. Councilmember Willmus stated that it was his intent to look to the CEC to recommend models used in the past, their areas of success, areas needing revision and ideas to do so; but clarified he was not intending that the CEC become that steering committee nor that he had any intent of mixing those two contexts.

Mayor Roe agreed with the comments of Councilmember Willmus.

Councilmember Laliberte also agreed with those comments; clarifying that the City Council was not asking the CEC to recreate the wheel if good processes were already in place or simply needed tweaking, she would consider that first before working from scratch. Councilmember Laliberte spoke to learning lessons from those past processes and applicable suggestions for employing those strategies in some but not all cases, and why not; and systematically engaging processes in one place but not all.

Councilmember Laliberte expressed her disappointment that the City Council hadn't received the CEC's recommendations on formation of neighborhood associations sooner, and expressed her personal concern in the 2015 CEC status update using words like "assist" and "encourage" when her understanding was that the intent was to create a guide for the process versus pushing neighborhoods to do something they're not motivated to do. Councilmember Laliberte expressed her anticipation of that coming back to the City Council soon.

Chair Becker advised that his estimated timing was conservative and as an individual commissioner hoped to have it ready to handoff sooner, but noted it may be necessary to delay it another month realistically, even though the final document and recommendation to the City Council was very close to being completed. Chair Becker clarified that the CEC was bringing forward a set of recommenda-

tions for the city to assist formation of neighborhood associations, but further clarified that the intent was not for the CEC to take any active role once that handoff to the City Council had been completed.

Councilmember Laliberte stated that she was envisioning a proposed step by step kit for neighborhood organization, such as done for the organized trash hauling effort.

Chair Becker advised that some of that was included in CEC recommendations.

Councilmember Laliberte recognized the CEC's interest in receiving direction related to SE Roseville, admitting that she was also struggling with what had been done, what was being done, and what still needed to be done; whether all stakeholders are plugged in or others remained to be engaged; and how to get to fruition. Councilmember Laliberte stated that she wasn't even aware if the right people were currently working on the issue; and expressed her understanding of the CEC needing to figure out where they fit in.

Specific to a previous City Council directive and 2014 strategy included in the CEC ordinance, Councilmember Laliberte asked that the City's Volunteer Coordinator have touch points with the CEC in areas where volunteer opportunities are available. Councilmember Laliberte opined that the CEC has a better idea of that piece related to volunteerism since it was part of their ordinance language.

As heard earlier tonight during public comment, Councilmember McGehee stated that she was not a big supporter of the CEC and had never been, noting the many problems. While expressing appreciation for the CEC's work on the city website which was vitally needed and had been accomplished, along with the work she anticipated from the notification task force, Councilmember McGehee opined there was little need for a group to work on community engagement and involvement as long as the City Council now had policies in place. Councilmember McGehee noted her ongoing concern in the lack of City Council responsiveness when the public comes forward with issues or concerns; but opined those issues will not be solved by a commission since they were the City Council's concern. During her five-year tenure, Councilmember McGehee noted many requests by large groups of citizens that had not been addressed, while special interests of smaller groups seemed to get quicker responses from the City Council. Councilmember McGehee cautioned that this did not go unnoticed in the community.

Specific to neighborhood associations, Councilmember McGehee opined that coalescence was needed, not a check list; and expressed her confusion as to what happened to the task force and why it was dissolved. Councilmember McGehee further opined that when community visioning is started, if there were any previous problems it was too much was directed by the City Council and their desire for control. Whether vetting of the steering committee or those participating,

Councilmember McGehee stated it would be nice to get something advising what should and should not be done and providing particularly broad direction while establishing a process in place allowing engagement of the public in ways not currently being done. Councilmember McGehee stated she hadn't seen that coming forward from the CEC to-date.

Specific to her perception of the SE Roseville issue, Councilmember McGehee noted lots of stuff going on (e.g. community gardens) with long-term residents living in that area wanting to be involved, and committed to those efforts without the need of an association. Councilmember McGehee opined that there were many natural communities in Roseville and groups continually forming without attempting to put them into some structure.

Specific to involving renters, youth and senior citizens, Councilmember McGehee stated that the Business Retention Program was addressing outreach needs, while she was most interested in involving renters in the process since renters were remaining in the community longer versus their former transient nature. Therefore, Councilmember McGehee opined that it would now be timely to see if there was a way to reach renters to determine their interest in being involved in their community.

As heard earlier tonight about the action or inaction of the City Council, Councilmember McGehee stated her disappointment in the availability of a broader list of jobs for the CEC to undertake; and opined that she didn't support the targeted ideas presented by the CEC. Specific to the neighborhood association bullet point, Councilmember McGehee agreed with the comments of Councilmember Laliberte, opining that she didn't see it.

Chair Becker advised that, while unable to address Councilmember McGehee's five-year tenure and those experiences, he clarified that the task force did not dissolve in July of 2015 nor had their work been in vain. Chair Becker further clarified that remaining members of the task force and citizens-at-large, as well as other participants, were not actively forcing neighborhoods to form associations, but were intent on recommending ways for the City Council to proceed and encourage those groups to form around issues or activities, and represent their potential.

Councilmember Etten opined that the discussion around "assist" and "encourage" formation of Roseville neighborhood associations suggested action, and suggested a better term may be "formulate" new ideas or ways to reach other populations. Councilmember Etten noted another item he supported from the listed CEC strategies was outreach to unrepresented groups, and expressed his interest in seeing more related to that. Councilmember Etten stated his support for the CEC and infrastructure work of community engagement processes; and agreed with their purpose for neighborhood associations in strengthening the community. Councilmember Etten opined this served as a way to bring people together in a positive

versus negative way, and encouraged their formation rather than forcing them, with the model available as a tool for them moving forward.

Councilmember McGehee opined that the Dale Street Project process brought things forward in a positive way, and noted that the city had provided that opportunity.

Mayor Roe clarified that the intent of the CEC had been defined as an engagement process and not requiring the formation of a neighborhood association as noted by Councilmember Etten.

Councilmember Laliberte opined that the CEC list involved a lot of great things, and asked if the CEC would be talking about priorities to bring things to conclusion and move on to their next priority, or if they envisioned doing many of these initiatives at the same time.

Chair Becker advised that the CEC had collectively come up with the ideas they wanted to pursue, and noted that he had intentionally added one more thing than he felt reasonable to accomplish within one year, hoping to get feedback from the City Council. Chair Becker advised that the 2014 ideas supported by the City Council had been included while eliminating those that had not received that support, and noted the CEC would expend their energy accordingly, incorporating tonight's feedback to inform the next draft of this document. Chair Becker advised that he would intent to pursue all of the initiatives during the year, while some may depend on outside timing beyond the CEC (e.g. SE Roseville).

Chair Becker referenced the comments related to decreasing meeting frequency, but opined that the CEC would need all their scheduled meetings to accomplish the work before them.

For the record, Mayor Roe asked if the CEC had any recommendations to change their scope of duties or ordinance language; with Chair Becker confirming that they had no recommendations to that effect.

Ethics Commission

City Manager Trudgeon addressed the role of the Ethics Commission (EC), noting two members were present in tonight's audience. Mr. Trudgeon reviewed the original intent of the EC when set up and their current quarterly meeting schedule given the limited number of issues coming before the EC of late. Mr. Trudgeon suggested another approach may be prudent comprising the EC with other commission members to meet annually for training. As expressed by the City Council, the EC meets infrequently and there appears to be a lack of meeting substance, creating hesitancy on the part of the City Council to appoint someone to serve. Therefore, Mr. Trudgeon suggested that consideration be discussed to have commission chairs serve on the EC on an as-needed basis, since the Ethics Code and

annual training are in place. Mr. Trudgeon advised that he had prepared a quick draft of such a potential ordinance with tonight's meeting materials as a starting point off point for feedback.

Councilmember Laliberte asked for input from the EC commissioners tonight and whether or not they found their work fulfilling.

Norine Quick-Lindberg, Heinel Drive, Representative of the EC

Ms. Lindberg offered a prepared statement providing her personal opinion, suggesting that the City Council revisit the Ethics Code and revise it. Ms. Lindberg opined that Roseville was unique, but without formal complaints that didn't necessarily equate to a sound system, and suggested refinement of the code prior to eliminating scheduled meetings of the EC, which may then prompt less frequent meetings than even quarterly.

Ms. Lindberg shared inconsistencies she found (e.g. definition clarifications between employee and non-employee public officials being unclear – Section 5.d criminal); the lack of denied sanctions and advisory positions (e.g. Section 2.4); and whether the City Attorney or EC are given more weight in issuing advisory opinions. If the EC doesn't have that authority, Ms. Lindberg questioned their purpose.

Ms. Lindberg further noted that the City Council determined its own sanctions if found in violation, and as discussed before and with minor revision, thought more discussion was needed for all Councilmembers if an ethics complaint was filed. Ms. Lindberg advised that she had compared the Roseville Ethics Code with those of other metropolitan communities, and based on complaints heard earlier tonight and those attendees at the Roseville EC, opined that the City of Minneapolis had a general Code of Ethics to guide behavior and Human Rights Act definitions. With the addition of a general discrimination statement and federal and state law references and inclusion, Ms. Lindberg offered to submit those ethics findings annually to the City Council.

Mayor Roe noted a number of reasons the code language was as currently written, and sought to make sure this City Council and Ethics Commission understood that initial rationale and why it was established as written. Mayor Roe referenced discussion held at the time the original code was in place, and not to imply these are not valid questions, expressed the need that those past discussions inform this process. Mayor Roe noted that the City Attorney had worked with the Code and could advise the City Council if they decided to move in this direction.

Councilmember McGehee noted that she was also here when working through the Ethics Code subsequently reconstituted in a different tone; and suggested it may be worthwhile to review that previous process, since she was also not sure everyone was privy to how and why those revisions were applied. Specific to com-

plaints brought to the EC without formal filings, Councilmember McGehee asked if that wasn't due to no process being in place. Councilmember McGehee opined that a process was needed, and whether or not it belonged in the Ethics Code, there needed to be a process for handling violations.

Mayor Roe clarified that he didn't think it had been established that the complaints brought forward were ethics violations.

Councilmember McGehee stated that she understood that, but still thought a Code of Conduct was needed.

Mayor Roe suggested that this discussion not get into that level of detail tonight; and thanked commissioners for their work.

Councilmember Willmus stated that he hated to set the clock back and revisit mistakes under the previous code, opining that often that commission had been used as a political tool for disagreements, which was why the EC had been dissolved in the first place. Councilmember Willmus opined that he found the focus of the current Code of Ethics aligned where it needed to be, and as far as the complaint process itself, expressed his disinterest in seeing anyone labeled as an ethics violator if there was any disagreement in how to best proceed at the commission level. Councilmember Willmus opined that he thought the function of how the EC should work or how to assemble it was needed, and he expressed his appreciation for the model provided in the packet in draft form, allowing a complaint to be dealt with as it comes forward. Councilmember Willmus also spoke in support of further discussion on the continuation of the three commissions and their scopes and duties for further discussion and attempting to free up administrative personnel as liaisons.

Councilmember Etten expressed his support of the EC format and representation on it by representatives of standing commissions. However, Councilmember Etten questioned if that role should be held by chairpersons, since they already had a bigger work load, and suggested that each commission could annually elect or appoint one member, not necessarily the chairperson, to serve on the EC. Councilmember Etten suggested that, after hearing from commission chairpersons beforehand and tonight commissions that perhaps the EC could hold their annual meeting shortly after those elections, with the focus of the EC to prepare the annual ethics training and up-to-date ethics issues if they are the body to do so. Councilmember Etten suggested inserting language in to the draft EC ordinance to "hold an annual meeting and meet otherwise on an as-needed basis."

Mayor Roe concurred with Councilmember Etten's suggested language.

Councilmember Laliberte concurred, noting that she was going to ask for an annual meeting for those EC members to guide the ethics training versus putting that

decision on city staff. Councilmember Laliberte further suggested inserting a sentence to the Uniform Commission Code in the "officer" section providing for that expectation that a member would serve on the EC.

Discussion ensued on the need to review specific language of the Uniform Commission Code to determine if the officers' section applied to the commissions themselves.

Councilmember Laliberte suggested a meeting of the existing EC and City Attorney to walk through rationale for the current code and take input of any suggested recommendations for revision to it.

Mayor Roe agreed and suggested that could be their parting recommendations; with Councilmember Laliberte agreeing with the value of that input from existing EC members before moving on.

Councilmember McGehee agreed with those suggestions going forward, especially those of Councilmember Laliberte, given the EC commissioner's service and specific recommendations. Councilmember McGehee opined that it would be rude to not allow them to meet with the City Attorney to offer their recommended changes and address any inconsistencies.

City Manager Trudgeon noted that the EC would be meeting in two days, and to the extent it could be accomplished advised that he would begin that conversation, and suggested scheduling meetings more frequently than the current quarterly meeting, depending on future direction of the City Council.

Mayor Roe spoke in support of looking to members of commissions versus only the chairpersons; and agreed with a minimum annual meeting and definition of their purpose, but involving commission chairs at a minimum. Mayor Roe also supported the current EC reviewing the current Code of Ethics and providing their parting recommendations to the City Attorney for the record.

Councilmember Laliberte reiterated the importance in holding themselves and those representing the city to high standards, and the importance of getting this work done. Councilmember Laliberte, with agreement by her colleagues, thanked the work of the EC to-date, stating that their work and service did matter.

Meeting Frequency Discussion

City Manager Trudgeon noted comments in the RCA (lines 23 – 46) related to frequency of HRC and CEC meetings, but noted the number of and importance of tasks covered by the city's Administration Department. Mr. Trudgeon expressed his concerns with the long-term expectations of administrative staff from the public and commissions, which represented a large task, and the desire of city staff to provide dedicated service to all parties. Therefore, Mr. Trudgeon noted his sug-

gested change in frequency of meetings to facilitate quality versus quantity of meetings and allow staff to be or remain effective in their interaction with commissioners by providing guidance and context. However, Mr. Trudgeon expressed his concern as City Manager, with the long-term impact to city staff in sustaining that coverage, given the multitude of many objections placed upon them, and possibly taking away from other important issues. Mr. Trudgeon recognized the desire of commissions to meet monthly, but opined that it was unsustainable and eventually something would break down and issues would not be addressed in a timely manner or issues not reviewed sufficiently. Based on past and current discussions, Mr. Trudgeon restated his recommendation for less frequent meeting schedules for commissions served by administrative staff.

Councilmember McGehee noted that one long-term commission had been reduced, and the CEC intended as a policy group, with the HRC more active in doing things. Councilmember McGehee asked if City Manager Trudgeon saw a reduction in meetings of the CEC to every other month and keeping the HRC meeting monthly, both meeting monthly, or each meeting once/month opposite the other.

City Manager Trudgeon noted that was the suggestion proposed.

From a trial period, Councilmember McGehee opined that she could see the policy group getting direction and discussing that, but opined it would be harder for a more active group offering educational programs such as the HRC.

City Manager Trudgeon advised that it seemed to him based on the approach he was suggesting and based on his outside observation, that having the HRC and CEC both alternate meetings, their planning activities and policy issues overall could be addressed sufficiently. Mr. Trudgeon questioned the need for the HRC to meet regularly or monthly other than to update status versus the CEC actively working on issues and policies needing more touches along the way. Mr. Trudgeon opined, that if having to choose, the HRC could meet less frequently, recognizing the HRC may have a different opinion.

Councilmember McGehee stated she would be happy to support City Manager Trudgeon's proposal understanding that it needed to remain as a pilot program, allowing City Manager Trudgeon the discretion for that flexibility.

Councilmember Laliberte noted she had been anxious to hear the HRC's 2016 plans; and noted that moving forward in filling vacancies related to those items listed in their work plan, and noted that they listed only one new item beyond their current work plan. Councilmember Laliberte admitted she didn't have a good feel for the work of the HRC and staff need, since there didn't appear to be much new ground to cover other than plugging into the SE Roseville efforts. Therefore, Councilmember Laliberte suggested seeing if the HRC meeting 4-6

times per year was viable unless needed more often, while continuing to have the CEC meet 12 times per year.

Mayor Roe noted that a commission could also cancel meetings if and when they were found unnecessary.

After hearing from the chairs of both commissions, Councilmember Etten opined that it was important for them to retain a full slate of meetings to continue their work. Therefore, Councilmember Etten admitted he was struggling with the recommendation of City Manager Trudgeon and was reluctant to cut back on meeting frequency when commissioners were saying they still needed monthly meetings to accomplish their tasks. Councilmember Etten opined that he found it hard to consider cutting their meeting frequency without cutting reducing their tasks accordingly, especially if that meant the work would be accomplished offline versus in the public arena.

Councilmember McGehee noted that commission meeting minutes were not previously formalized as they are now; and questioned how essential that is especially if it took staff time.

Mayor Roe clarified that the staff time being discussed was that in preparing for the meetings; with City Manager Trudgeon concurring, noting that frequently it required 2-3 hours for each meeting.

In response to Councilmember McGehee referencing past meeting agendas, and not full meeting packets, City Manager Trudgeon clarified that as with any commission, a lot of input was needed, including background materials. Depending on the commission, Mr. Trudgeon noted that some did their own work in preparation for their meeting (e.g. CEC) with staff only gathering and copying those materials.

Councilmember McGehee suggested that work would be slower if only meeting every other month.

City Manager Trudgeon admitted that would be a question to consider, and asked what the City Council was interested in commissions pursuing. Specific to the CEC, Mr. Trudgeon opined that it would be challenging for them to move to an every other month meeting given their current work load. If in the future that work load changed or as things were removed from that docket, Mr. Trudgeon noted it may be possible then to reduce meeting frequency of the CEC.

City Manager Trudgeon reiterated that his broader area of concern was the mismatch of staff resources and number of advisory commissions in an effort to be fair to those volunteer commissioners and their tasks; and his interest in making the overall process work to some extent.

Councilmember McGehee opined that a lot of the work indicated didn't need to be assigned to the CEC, but could come through staff suggestions or by hiring a consultant.

Mayor Roe clarified that tonight's goal was not to get into a discussion of the specific work of commissions. Mayor Roe reviewed the comments of council members tonight that there was some support for fewer meetings of the HRC at a minimum, but not so much with the CEC at this time.

Mayor Roe suggested continuing with the current meeting schedule and revisiting it after six months or at the end of 2016 unless a better proposal was brought forward, anticipating each commission would continue to meet 12 times per year.

Councilmember Laliberte reiterated her recommendation, opining that 20-24 meetings for staff just with the HRC and CEC may prove challenging; and therefore she had recommended that schedule be reduced to sixteen meetings to be more manageable. Councilmember Laliberte questioned if some of the work of staff could be accomplished by the advisory commissions themselves if meetings were reduced from twelve to six meetings annually.

City Manager Trudgeon noted that both commissions had discussed that option, and felt it should be left as is.

Mayor Roe advised that he was not hearing a majority offer support for any other option other than keeping it as is; with City Manager Trudgeon advising that he would continue to monitor the situation.

12. Public Hearings and Action Consideration

a. Approve Request for a Noise Variance for the 2016 CIPP Project

Assistant Public Works Director Jesse Freihammer summarized this request of the Engineering Department for a variance from the City's noise ordinance for the 2016 Cast-in-Place Piping Project (CIPP). As detailed in the RCA dated February 8, 2016, Mr. Freihammer noted that the variance was based on an operational and curing standpoint for the material, and as designated on the map would involve the main impact of generator noise and boilers used to cure the pipe. Mr. Freihammer noted that this would involve a constant hum, and effort would be made to try to limit major vehicle or construction traffic noise over night.

Mr. Freihammer reviewed alternatives if the variance was not granted, including not lining the pipes that would not solve the city's aging infrastructure issues, or digging up the pipes that would prove much more impactful to residents based on the depth and large diameter of the pipes.

Mr. Freihammer reported that he had sent out 150 notices to those affected by this project, and only received one email and one phone call objecting to the variance, in addition to the audience member heard from earlier this evening also in opposition.

Mr. Freihammer recommended the variance as detailed in lines 48 – 54 of the RCA.

Mayor Roe opened and closed the public hearing at approximately 9:38 p.m. with no one else appearing to speak.

Councilmember McGehee advised that she had experienced this work done in front of her residence, and hadn't found it extraordinarily noisy. Councilmember McGehee sought clarification from staff on the length of sections running and length of time involved.

Mr. Freihammer clarified that the work would be done in sections of approximately 500' each before moving to the next section and as indicated in the RCA conditions.

Councilmember Laliberte questioned the extent of lights needed during that night work.

Mr. Freihammer responded that the only lights would be on the vehicles themselves, with set-up done during daytime hours, and the night operations only involving boilers operating and waiting for pipes to cure, and should be minimal.

Councilmember Laliberte opined that the timing of notices for residents was very important; noting that she was troubled by the comments heard earlier tonight. Councilmember Laliberte noted how vital it was to perform due diligence with those notices.

Mr. Freihammer advised that the city would be working with the same contractor for this work as last year, and reported that they had been found very diligent and good to work with.

In response to Councilmember Laliberte's notification concerns, Mayor Roe noted that staff had been asked to follow-up and clarified that the public comments tonight had been related to a project done the previous year and not the CIPP project, but Victoria Street project, with follow-up on that notice issue coming from staff at a later date.

McGehee moved, Willmus seconded, approval of the request to extend working hours on the 2016 CIPP Lining Project as presented; noting the conditions in lines 48 – 54 of the RCA dated February 8, 2016.

Roll Call

Ayes: Laliberte, McGehee, Willmus, Etten and Roe.
Nays: None.

13. Budget Items

14. Business Items (Action Items)

a. Approve Resolution Authorizing the Purchase of 1716 Marion Street by the City of Roseville

As a result of the closed session earlier tonight, Mayor Roe reported that there was no resolution to consider as the City Council had provided direction to staff as to terms. Mayor Roe advised that staff would follow-up on that and the issue addressed in open meeting in the near future.

Public Comment

Mayor Roe recognized the receipt of written comment via email from Dick Houck dated February 5, 2016 in opposition to the acquisition of the 1716 Marion Street property by the City of Roseville.

b. Financing Agreement with Calyxt for Brownfield Clean-up

Community Development Director Paul Bilotta briefly summarized the RCA dated February 8, 2016 related to this request. Mr. Bilotta noted the addition of the resolution (Attachment B) provided earlier tonight as a bench handout and incorporated into the meeting packet materials.

At the request of Mayor Roe regarding the \$400,000 cap, Mr. Bilotta advised that the resolution addressed that as part of the Developer's Agreement language.

McGehee moved, Etten seconded, adoption of Resolution No. 11299 entitled, "Resolution Approving a Development Agreement By and Between the City of Roseville and Calyxt, Inc;" *as provided as a Bench Handout and made part of this RCA (Attachment B).*

Roll Call

Ayes: Laliberte, McGehee, Willmus, Etten and Roe.
Nays: None.

c. Request for Approval of a Preliminary Plat at 2201 Acorn Road

Senior Planner Bryan Lloyd noted this request and referenced previous iterations all detailed in the RCA dated February 8, 2016; and this specific plat as noted in that detail. Mr. Lloyd noted that the Planning Commission had recommended approval of this iteration at their December 15, 2015 meeting, but it had been delayed in coming before the City Council due to scheduling conflicts and health is-

sues of Mr. Mueller. Mr. Lloyd advised that staff recommended approval as conditioned in the RCA.

Mr. Lloyd reported that in response to notification sent to neighboring property owners, staff had received one email from an attendee at the Planning Commission public hearing reiterating his opposition to the project. Mr. Lloyd advised that this was the neighbor to the west of the subject parcels, and noted the concern was based on drainage concerns from past proposals and potential flooding of his property, the proposal being out-of-character with the neighborhood, concerns with additional traffic onto County Road B, tree loss, and disruption to the neighborhood during and as a result of this construction.

Mr. Lloyd advised that no other comments had been received by staff to-date.

Councilmember Willmus asked staff to address stormwater flow estimates brought forward with this proposal and compared with previous proposals, noting the presentation at the Planning Commission indicated further reductions had been provided with this iteration, and some of that stormwater would be rerouted to existing infrastructure within Acorn Road.

City Engineer Jesse Freihammer

Mr. Freihammer noted that, as indicated in the grading plan, there would be overall significantly less water with this new plat, with an approximate projection of a 57% reduction, and 82% reduction in volume leaving the site.

Mayor Roe sought clarification as to whether that meant an 82% reduction from previous proposals or from the current situation; with Mr. Freihammer responding that it would be based on reductions from the current situation.

Mayor Roe stated that he was concerned with the conflicts with city code in the line between Lots 1 and 2 and coming off the drive; and asked if staff had looked at the possibility of addressing that conflict.

Mr. Lloyd advised that as noted in the Planning Commission meeting minutes, it had been discussed, specifically city code requirements that side lot lines are required to be perpendicular or radial to homes. Given that a private road is proposed, Mr. Lloyd noted it became a judgment question on the intersection and whether it was actually considered radial. In staff's judgment and for all practical purposes, Mr. Lloyd opined that there was a radial line with the end of the street and the center line. Mr. Lloyd noted that an alternative had been presented to the Planning Commission, and sketched out by the project engineer if a 16' radius was considered. However, Mr. Lloyd noted that that made the property line inarguably radial but only made sense if more obvious than existing proposals with additional asphalt. Therefore, Mr. Lloyd advised that neither staff or the Com-

mission ended up recommending that option, but admitted it could be a topic for additional conversation at the City Council level.

Mayor Roe suggested if the lot line between Lots 1 and 2 remains as shown on the plat, it could be moved at the point where the south edge of the private street continued west from its current termination and intersected with the lot line and becoming the lot line between those two parcels, and still meet city code requirements and making the lot lines perpendicular to the north/south end of the street and following the edge of the private street.

Mr. Lloyd admitted that would conform to the strict letter of city code, but argued that the intent of the code provision was for straight and predictable property lines. Mr. Lloyd opined that the proposal as presented, while either option could be defensible, was better achieved by the proposed alignment.

Mayor Roe asked if staff was aware of any reason that the lot line couldn't proceed from the corner of the proposed street to the corner of the property and thereby more closely meet city code requirements.

Mr. Lloyd agreed that was a possibility.

At the request of Councilmember Etten, Mr. Lloyd advised that the private drive was proposed at approximately 175' with one side longer than the other.

At the request of Councilmember Willmus, Mr. Lloyd confirmed that the street width was proposed at 32' to accommodate parking on both sides; and if parking was considered on only one side of the street, Mr. Freihammer responded that the width could be minimized to 28' at that point.

At the request of Mayor Roe, Mr. Lloyd confirmed that the intent of the width was for people residing at these future properties or for their visitors; and had not been prompted to facilitate emergency or public safety vehicles. Mr. Lloyd advised that the intent for emergency vehicles was that they would either back out or turnaround over surmounting curbs, whichever provided the best and quickest access. Mr. Lloyd reiterated that the 32' width was strictly applied to accommodate parking on both sides of the street, a preference expressed by the City Council during their review of a previous site plan.

At the request of Councilmember McGehee, Mr. Lloyd verified that the diameter required for the end bulb for cul-de-sacs was a 100' minimum radius for a city street.

Councilmember McGehee spoke to the number of retention ponds and their sizes; the reduction of trees indicated and amount of grading being proposed or required; and questioned the responsibility for those items going forward.

Mr. Lloyd responded that the quantity of trees removed related to grading and trees in stormwater drainage pond areas, and responsibility for their maintenance moving forward. Mr. Lloyd noted that grading would impact trees removed, but also noted that the current plan with fewer lots minimized that tree removal to a significant degree. Specific to the number and location of drainage ponds, Mr. Lloyd noted that was an engineer-driven plan to reduce stormwater west to the storm drain, with the current plan collecting runoff in a central location and directing it out to existing stormwater infrastructure located within the Acorn Road right-of-way.

At the request of Councilmember McGehee, Mr. Lloyd advised that a specific best management practice (BMP) would be put in place and subject to maintenance by written agreement with the City of Roseville and to be done by the Homeowner's Association, including funding and maintenance schedules and their access for that maintenance.

At 10:00 p.m., McGehee moved, Willmus seconded, extending the meeting curfew to complete this item and a brief presentation or discussion of the following item.

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee and Roe.
Nays: None.

Chuck Plowe, Plowe Engineering, Inc., Representing Art Mueller

Mr. Plowe responded to the questioned raised by council members tonight, advising that great efforts had been made to address resident concerns related to drainage issues and those previously identified by the City Council as their areas of concern. Mr. Plowe noted the reduced rate and volume to the southeast as Mr. Lloyd addressed as being of important consideration to the neighborhood. Mr. Plowe also noted the effort made to shorten the street and reduce impervious surfaces. Mr. Plowe clarified that the access to maintain the stormwater ponds would not be done through the sloped area with the intent to allow the Homeowner's Association freedom of gaining that access at the points where the ground was flat enough to facilitate maintenance equipment.

Councilmember Willmus asked Mr. Plowe to respond to the discussion earlier tonight on the angle of lot lines consistent with city code.

Mr. Plowe stated he was open to the suggestions of the City Council; however, he noted the suggestion of Mr. Lloyd that the lot lines as shown made more sense. If the City Council preferred the developer to increase the radius with additional bituminous, Mr. Plowe expressed their willingness to do so at the City Council's discretion and direction.

Councilmember Willmus clarified that he wasn't looking for a radius, but simply lot lines better aligned with city code and as drawn in earlier tonight by Mr. Lloyd, he realized that the building pads may need to shift some, but expressed how odd he found it that Lot 1 would own 95% of the access to the driveway for Lot 2. Councilmember Willmus stated that remained of concern to him going forward; and spoke in support of Mayor Roe's proposal for the lot line falling along the southern boundary of the southern drive as a more sensible approach and as sketched out by Mr. Lloyd during that initial discussion.

Mayor Roe asked if Mr. Plowe saw any adverse impact with that proposal versus their original proposal; with Mr. Plowe responding that he did not.

Public Comment

Gary Boryczka, Acorn Road

Mr. Boryczka advised that he sold a parcel approximately 1.5 years ago that he had owned on Acorn Road for eighteen years, and still owned another parcel along Acorn Road and the I-35 service road. For the benefit of those new to this issue, Mr. Boryczka advised that this was the 10th anniversary that this proposal had been brought up over and over again, without being passed, and still having the same problems as this current proposal.

Mr. Boryczka referenced the site plan, and expressed concerns that there was no easement for overflow water onto the Irv Cross property to his knowledge, and opined that there never would be, therefore throwing the proposed grading plan into turmoil.

Mr. Boryczka reviewed his perception of problems with this proposal and his interpretation or perception of each, including: size, depth, location and future maintenance of stormwater ponds, their flow and overflow potential; death of remaining trees if grading done under their drip lines; concerns with a homeowner's association and their governance with future responsibility for maintaining the area; the private street and connections to private water and sewer lines and whether they would be according to city code; location of a fire hydrant on the end of a lot at the cul-de-sac turnaround and responsibility for those water lines up to the main; and the financial folly of homes proposed at the price range set by Mr. Mueller but not backed up by factual sales information for adjacent properties to support their price.

Irv Cross, 2196 Marion Road

Mr. Cross noted that he had read his comments into the Planning Commission's public hearing record, and provided up-dates by the same venue tonight, addressing his concerns with this potential residential development to the property he shared with his wife Liz. Mr. Cross noted that he and his wife had been residents on Marion Road for over twenty-six years and directly abutted this property. Mr. Cross reiterated his concerns related to drainage, runoff from Acorn Road causing

flooding and adding to the river that runs through their property and that of Mr. Mueller during heavy rainfall; and the size of the proposed adjacent lots.

Mr. Mueller stated that he would not agree to any easement through his property; and if the City Council was aware of how the property runs, it would note that the proposed lots are at a higher level than his, and stormwater already pooled from County Road B and the golf course onto his property, meeting in the corner where the large pool was designed, with that current stormwater hard to slow down or stop. Even though the proposed plan indicates it will resolve that issue, Mr. Cross expressed his lack of confidence that it would do so.

Mr. S. Ramalingam, 2182 Acorn Road

In writing, Mr. Ramalingam reiterated his previous calculations related to stormwater runoff, flow and volume, as presented to the Planning Commission and part of the record. Mr. Ramalingam further calculated the proposed 82% reduction in current flow; existing and proposed permeable surfaces; and ramifications if the basin and treatment plans for that stormwater flow worked or didn't work. If it didn't work, Mr. Ramalingam noted the results would be to flood neighboring properties and basements.

Mr. Ramalingam opined that the proposed private road and parking was unsightly and unsafe for emergency access, and questioned if the length marginally smaller than 200' was intended as a dodge of city code. Mr. Ramalingam opined that mature trees would die after grading to the extent proposed resulting in an area looking more like a cornfield than a forest.

Paul Romanowski, 2195 Acorn Road (next to proposed project)

Mr. Romanowski addressed their personal situation, with poor clay soils 1.5' below the surface, becoming like cement and not allowing for significant drainage. Therefore, Mr. Romanowski opined that he didn't feel the holding ponds would prove of any value, and still result in overflow. If the proposed drainage pond worked, Mr. Romanowski stated it may prove their salvation, but otherwise this project would result in continuous and ongoing drainage problems, especially with the elimination of trees that will only create more flow.

If he and his wife plan to sell their home, Mr. Romanowski noted that they would need to disclose to the realtor and future purchasers the drainage issue and it could negatively impact the resale of their home. Mr. Romanowski opined that if the City Council checked with property drainage engineers, the only salvation for their property would be installation of a stormwater pipe system.

Robert Mueller, Son of Art Mueller

Mr. Mueller recognized that everyone would love for this property to remain as a park. However, Mr. Mueller noted that engineers had been hired for their expertise in addressing stormwater concerns. While that professional engineer had in-

icated a stormwater reduction of 82%, Mr. Mueller noted that non-expert residents insisted that the professional engineering firm didn't know what they were talking about. Mr. Mueller noted that stormwater had been a problem, but the intent was to reduce it; with the proposed holding ponds intended to help if not resolve the situation.

Joel Cheney, 2271 Acorn Road

While admitting he was not qualified to judge, based on his review of the grading plan, Mr. Cheney stated he had ongoing questions. Mr. Cheney noted the heavy clay soils also on his property that held water and didn't allow much permeation. Having installed two rain gardens twelve years ago, Mr. Cheney reported that he could no longer find them due their overgrowth.

Mr. Cheney advised that his question was, if this engineering solution worked well in year one, what assurances would the neighbors have that as the ponds started to fill after 5-6 years and were under the homeowner association's responsibility, what inspection or monitoring process would be in place to ensure their continued viability. Mr. Cheney stated that he was seeking built-in safeguards for the longer-term picture.

Vivian Ramalingam, 2182 Acorn Road

Ms. Ramalingam responded to the comments made by Mr. Mueller's son regarding stormwater drainage, and tree root systems currently available to break up clay soils, and disputed his perceptions.

Ms. Ramalingam opined that it seemed that everything around the Mueller property would be destroyed; and reiterated her past comments recommending that this not be approved.

Chuck Plowe Responses

At the invitation of Mayor Roe, Mr. Plowe attempted to respond and clarify those issues brought up during public comment.

Mr. Plowe noted that a previous plat had been approved by the City some years ago, but due to various circumstances never got built; resulting in this latest proposal and current request.

Specific to the stormwater ponds, Mr. Plowe clarified that these are dry ponds, and only intended to hold water temporarily when it rains, with special media placed in the ponds and under design requirements, review and approval by the City Engineer and Watershed District. Mr. Plowe reviewed the intent of that design through drain tile installed to slow the rate of flow and volume. Mr. Plowe assured residents that the water would pool, filtrate and leave the site as the system was designed to facilitate. Regarding the depth of the proposed ponds, Mr. Plowe advised that the depth would vary, and would be designed in accordance

with soil borings to address their specific design to accommodate storage for larger rainfall events.

Mr. Plowe further clarified that the developer had been told that a hydrant was not required at the end of the private road, with access available to one in the immediate vicinity; and therefore not an issue. At the request of Councilmember McGehee, Mr. Plowe showed the location and proximity to the subject parcel of the nearest existing hydrant.

City Council Deliberation

Mayor Roe asked staff to discuss the concern voiced by Mr. Cheney on long-term functionality and maintenance of the stormwater ponds.

Mr. Lloyd responded that in general, the process and timeline would be established to recertify any and all BMPS citywide to determine their functionality as intended. Mr. Lloyd noted that this may be done by a third party consultant to make that determination and the level of maintenance indicated or required and if deemed not performing as designed. Mr. Lloyd advised that a city mechanism would be in place, similar to the code enforcement abatement process followed, if the city was required to perform that maintenance and invoice owners via property taxes accordingly for those costs if not paid in a timely manner.

Mr. Freihammer concurred, noting that both the city and any watershed districts required maintenance agreements as part of any BMP being installed.

Mayor Roe asked who performed that analysis and who paid for the maintenance.

Mr. Lloyd responded that it would be up to the homeowner to fund that maintenance.

Councilmember McGehee noted that this five-year plan seemed different than the current BMPS throughout the rest of the city. Councilmember McGehee stated that it was her understanding that BMPS on private property experienced similar problems and while they were supposed to be periodically inspected, this had yet to be fully outlined with a plan and examination.

Mr. Freihammer responded that staff was currently going through some of the City's own BMPS and would also evaluate private BMPS as time allowed.

Mayor Roe also clarified that it would depend on when BMPS were actually installed, since older ones installed under previous standards, could not be required to be under the same application.

Mr. Freihammer agreed, recognizing that some BMPS had not been inspected recently based on available staff resources.

McGehee moved to DENY this Preliminary Plat request at 2201 Acorn Road predicated on at least two engineers testifying that this stormwater plan won't work.

Councilmember McGehee noted, based on her personal experience living under a quasi--homeowners association with shared road and maintenance, similar issues to those brought up had occurred. Councilmember McGehee stated her further concerns in not being convinced this proposal would work based in part on having no good access to stormwater ponds and that they would fill in and result in other ongoing problems; and her opinion that a private road was unnecessary and should not be approved as a private road, further opining that it was inevitable that it would eventually become a public road. Councilmember McGehee further opined that if one wished to have three properties, the way to do so was to provide three individual accesses. Councilmember McGehee also opined that a single-family residential area was not the area for a homeowner's association; and the best value for Roseville citizens and drainage in the neighborhood would be to let Mr. Mueller built on separate and divided lots.

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

Willmus moved, Etten seconded, APPROVAL of the proposed PRELIMINARY PLAT of Oak Acres, dated November 5, 2015 and comprising the property at 2201 Acorn Road, based on the findings and recommendations of the Planning Commission, public input, details provided in the RCA dated February 8, 2016, and City Council deliberation; and conditioned as outlined in lines 58 – 76 of that RCA; ***amended with an additional condition:***

The lot line between Lots 1 and 2 will be realigned as discussed earlier tonight to come off the southwest corner of the private roadway direct to the southwest corner of the lot

Etten moved, Willmus seconded an AMENDMENT TO THE MOTION proposing the private road be narrowed to 28' to reduce impervious surface; and allowing parking on only one side of the private road.

Councilmember McGehee spoke in opposition to the proposed amendment, opining that it was totally inappropriate and she could see no benefit; and noted that previous objections had been addressed for parking on the narrower street due to shorter driveways and avoiding parking off Acorn Road.

As was attested by engineering staff, Councilmember Willmus clarified that a 28' Wide road would still accommodate parking on one side of the road.

Councilmember McGehee further opined that would still be insufficient for three single-family homes.

Councilmember Laliberte stated that she was more comfortable with a 32' road-way; even though recognizing the desire to reduce impervious surface.

Mayor Roe stated that he would not support the motion to amend.

Roll Call

Ayes: Etten and Willmus.

Nays: Laliberte, McGehee and Roe.

Motion to amend failed.

Councilmember Etten noted that he hadn't supported approval of this development in the past due to concerns voiced by neighbors. However, Councilmember Etten opined that he believed that those concerns had been directly addressed; with actual drainage improvements for neighbors to the south or southwest beyond the current situation. Councilmember Etten recognized that more trees will be preserved with this plan; and spoke in agreement that it was important to reduce stormwater runoff issues already being experienced in this neighborhood. Therefore, Councilmember Etten spoke in support of the motion.

Councilmember Willmus noted that he was initially not in favor of the four lots proposed in the past due to stormwater issues. However, Councilmember Willmus expressed his confidence in Mr. Mueller's addressing that issue by removal of one building pad, and reducing his proposal to three lots and shortening the length of the private road. Based on those concerted efforts of the developer and the information presented by professional engineers for the city and Mr. Mueller, Councilmember Willmus expressed his confidence that approving this proposal would serve to balance the rights of Mr. Mueller as a private property owner wishing to subdivide his property, while at the same time affording protections to surrounding properties.

Councilmember Laliberte concurred with the comments of Councilmembers Etten and Willmus; noting that she had also opposed previous plans presented with four lots. Councilmember Laliberte stated that she was most concerned with drainage on the back portion of the subject parcel; and opined that the stormwater drainage situation was bad now and this should provide some improvement and alleviate the problem to some extent. Councilmember Laliberte stated that she felt better supporting some stormwater improvement and allowing Mr. Mueller to subdivide his privately-owned property; and offered her support for approval.

Councilmember McGehee stated that she would not support the motion. While recognizing that a property owner always had a right to subdivide their parcel if applicable, Councilmember McGhee noted that such a right didn't extend to the right to install a private road or to pursue such a drastic grading plan as proposed. While deferring to public engineering expertise, Councilmember McGehee opined that the city didn't have as much of a role in addressing the competency of

that drainage; and didn't think the homeowner's association would pay to maintain the ponds on an annual basis, and if not maintained annually wouldn't work, nor did she see a good access road to reach the ponds. Councilmember McGehee referenced the City Council's ideas of maintaining the integrity of its neighborhoods, and noted repeated discussions with Mr. Mueller on what he could or could not do on his property and be compliant with city code. However, Councilmember McGehee noted that Mr. Mueller continued to come back over and over again until he received the majority support he sought.

Mayor Roe stated that he originally supported the proposal when first brought forward; and offered his continued support of it. Mayor Roe noted the good faith efforts of the Mr. Mueller and his development team to address concerns and as objections arose. Mayor Roe expressed his concern in not approving a subdivision based on assumed failure of BMPS, tree preservation, or an adequate association to meet the dictates laid out by the City Attorney and Community Development staff going forward. Mayor Roe opined that he would continue to accept the professional engineers of the city and the applicant rather than those self-appointed experts in opposition to a project and interpretation that they were better informed than paid project engineers using their expertise to perform their jobs. Mayor Roe stated that he would continue to support this project.

Roll Call

Ayes: Laliberte, Willmus, Etten and Roe.

Nays: McGehee.

Motion carried.

15. Business Items – Presentations/Discussions

a. High Density Housing Discussion and Housing/Economic Development Update

16. City Manager Future Agenda Review

City Manager Trudgeon provided a preview of upcoming agenda items.

17. Councilmember-Initiated Items for Future Meetings

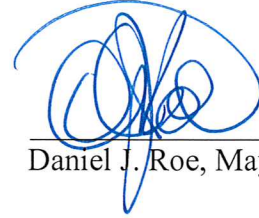
18. Adjourn

Willmus moved, Etten seconded, adjournment of the meeting at approximately 10:47 p.m.

Roll Call

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

Nays: None.



Daniel J. Roe, Mayor

ATTEST:



Patrick J. Trudgeon, City Manager