

Mayor:
Dan Roe



Address:
2660 Civic Center Dr.
Roseville, MN 55113

Councilmembers:
Jason Etten
Wayne Groff
Lisa Laliberte
Robert Willmus

**City Council Work Session
Agenda
Monday, April 15, 2019
City Council Chambers**

Phone:
651-792-7000

Website:
www.cityofroseville.com

1. 6:00 P.M. Roll Call
Voting & Seating Order: Laliberte, Etten, Willmus, Groff and Roe
2. 6:01 P.M. Pledge of Allegiance
3. 6:02 P.M. Approve Agenda
4. 6:05 P.M. Public Comment
5. 6:10 P.M. Recognition, Donations and Communications
- 5.A. Introduction of Deputy City Clerk-Katie Bruno

Documents:

[INTRODUCTION OF DEPUTY CITY CLERK.PDF](#)

- 5.B. Receive Report on City Manager Performance Evaluation

Documents:

[RECEIVE REPORT ON CITY MANAGER PERFORMANCE EVALUATION.PDF](#)

6. Items Removed from Consent Agenda

7. Business Items

- 7.A. 6:15 P.M. Receive Update on Roseville Area Circulator Bus

Documents:

[REQUEST FOR COUNCIL ACTION AND ATTACHMENTS.PDF](#)

- 7.B. 6:35 P.M. Larpenteur Avenue Safety Improvements Discussion

Documents:

[REQUEST FOR COUNCIL ACTION AND ATTACHMENTS.PDF](#)

- 7.C. 6:55 P.M. Continued discussion on possible amendments or improvements to Code Enforcement practices to better address properties with repeat City Code Violations

Documents:

[REQUEST FOR COUNCIL ACTION AND ATTACHMENTS.PDF](#)

- 7.D. 7:45 P.M. Discussion Regarding the Environmental Review Worksheet Process Established via Resolution 11198 in 2014

Documents:

[REQUEST FOR COUNCIL ACTION AND ATTACHMENTS.PDF](#)

- 7.E. 8:15 P.M. Declare Vacancies on Public Works, Environment and Transportation Commission

Documents:

[REQUEST FOR COUNCIL ACTION AND ATTACHMENTS.PDF](#)

8. Approve Minutes
9. Approve Consent Agenda
10. 8:25 P.M. Council and City Manager Communications, Reports and Announcements
11. 8:30 P.M. Councilmember Initiated Future Agenda Items and Future Agenda Review
12. 8:35 P.M. Adjourn



Date: **4/15/2019**

Item No.: **5.a**

Item Description: Introduction of Deputy City Clerk-Katie Bruno



Date: **4/15/2019**

Item No.: **5.b**

Item Description: Receive Report on City Manager Performance Evaluation

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 4/15/19
Item No.: 7.a

Department Approval

City Manager Approval



Item Description: Receive Update on Roseville Area Circulator Bus

BACKGROUND

On April 9, 2018, the City Council authorized a six-month pilot project for a circulator bus route in conjunction with the Roseville Community Health Awareness Team (CHAT) and the non-profit transportation company NewTrax to provide a regular weekly bus route for residents at senior residential facilities to be dropped off at a variety of local retail and community destinations. On October 15, 2018, the Roseville City Council authorized for a six-month extension of the service beginning in January 2019. As part of the authorization the route was altered to have a stop in Southeast Roseville and to go north up Rice Street and stop at two additional grocery stores. The circulator bus service operates every Tuesday morning from 10:00 a.m. to 12:30 p.m.

In 2018, the circulator bus provided a total of 472 rides to users with an average of slightly over 12 riders a week. In 2019, through April 2, the service has provided a total of 181 rides to users with an average of about 14 riders per week.

Use of the circulator bus in SE Roseville has been fairly low over the winter months. Staff will be coordinating another outreach effort in SE Roseville to make area residents more aware of the service. Scott Olson will be present at the City Council meeting to provide additional information about outreach efforts and ridership numbers.

The Roseville Area Circulator Bus is planned to run through the end of June. In June, staff will update the City Council on the ridership of the service and lead a discussion on the future of the service.

POLICY OBJECTIVES

Provision of a circulator bus provides needed transportation options for residents of Roseville and allow persons otherwise homebound to be able to participate in shopping, recreational, and educational activities.

BUDGET IMPLICATIONS

To date, the costs of the programs are as follows:

Estimated Cost of Circulator Bus Program: \$7,500.00

Incurring Costs to date:	\$ 4,041.25
Less Rider Donations:	\$ 554.00 (Since Sept. 2018)
Less Cub Foods Donation	\$1,000.00

36 Less Lyngblomstem Donation \$2,000.00
37 Total City Cost through March 2019 \$ 487.25
38
39 Remaining Estimated Cost to City \$3,458.75
40 (through June 2019)

41

42 **STAFF RECOMMENDATION**

43 No action needed at this time. This update is provided for information.

44

45 **REQUESTED COUNCIL ACTION**

46 No action needed at this time. This update is provided for information.

Prepared by: Patrick Trudgeon, City Manager (651) 792-7021

Attachments: A: Route for Roseville Area South Loop Circulator Bus
B: 2019 Ridership Numbers

ROSEVILLE area



South LOOP

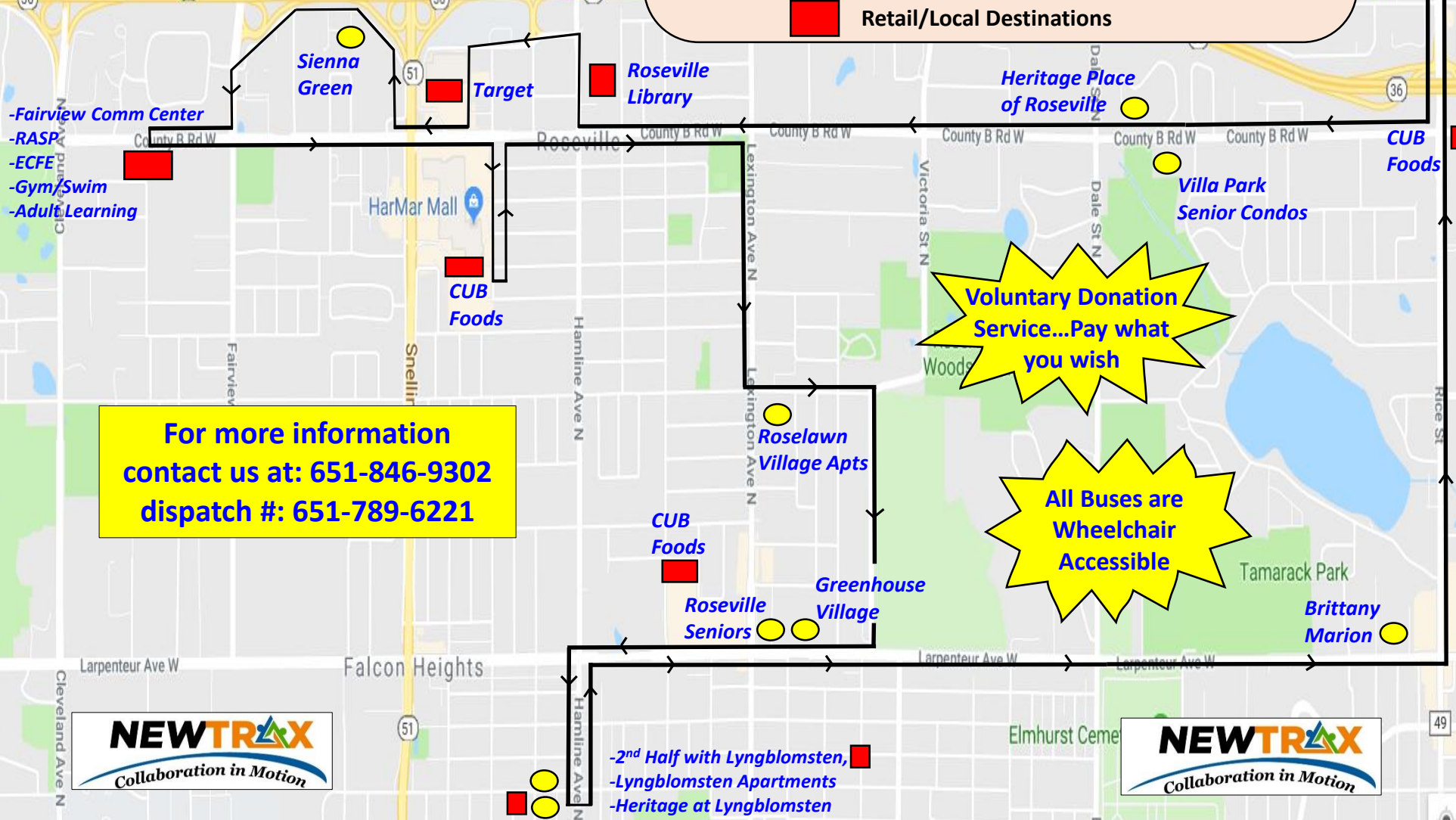
Latest Revision April 2nd, 2019

Attachment A

The Bus Loop runs on Tuesdays & begins at 10:00am and runs until the last drop-off around 2:00pm. Refer to stop times on back for your facility.

Get on and off at any of our scheduled stops and our bus will be back in approx. 30 minutes for another pickup.

-  Residential Housing Stops
-  Retail/Local Destinations



Voluntary Donation Service...Pay what you wish

All Buses are Wheelchair Accessible

For more information contact us at: 651-846-9302
dispatch #: 651-789-6221



ROSEVILLE area South Loop



On **Tuesdays** this fixed route loop will service the south end of the Roseville area communities near the **County Road B** corridor & south. From restaurants to retail to grocery to our local Fairview Community Center, the bus circular will provide a safe and convenient way to get around town. Come aboard to take care of your errands or just take a ride to stop and get a cup of coffee. See our schedule below for stop times and locations...

Residential Housing Stops Retail/Local Destinations

Voluntary Donation Service...Pay what you wish

	Brittany Apartments (Marion St)	Cub Foods (Co Rd B)	ALDI (Rice Street)	Villa Park Condos	Heritage Place of Rsvl	Roseville Library	Target	Sienna Green	Fairview Comm Center	Cub Foods Har Mar	Roselawn Village Apts	Greenhouse Village	Roseville Seniors	Cub Foods Larpenteur	The Heritage	Lyngblomsten Apts	Cub Foods Larpenteur
Bus-1										10:00	10:06	10:08	10:12	10:18	10:20	10:26	
Bus-2	10:00	10:06	10:10	10:15	10:17	10:22	10:26	10:30	10:34	10:43	X	X	X	10:50	10:56	10:58	11:04
Bus-1	10:33	10:39	10:43	X	X	10:52	10:56	11:00	11:04	11:13	11:20	11:26	11:28	11:32	11:38	11:40	11:46
Bus-2	11:11	11:17	11:21	11:26	11:28	11:33	11:37	11:41	11:45	11:54	12:01	12:07	12:09	12:13	12:19	12:21	last stop Bus#2
Bus-1	11:53	11:59	12:03	12:08	12:11	12:16	12:20	12:24	12:28	12:37	12:44	12:50	12:52	12:56	1:02	1:04	1:10
Bus-1	1:17	1:23	1:27	1:32	1:34	1:39	1:43	1:47	1:51	2:00	As Needed	as needed	As Needed				

Times in GREEN are for pickups from residential facilities to travel to retail/local destinations.

Times in RED are ONLY designated for return drop-offs at residential facility locations

Times in WHITE are for drop-offs & pickups at retail/local destinations

Roseville-South Loop Circular-2019 (Tuesdays)

		Holiday														
		1-Jan	8-Jan	15-Jan	22-Jan	29-Jan	5-Feb	12-Feb	19-Feb	26-Feb	5-Mar	12-Mar	19-Mar	26-Mar	2-Apr	TOTALS
Bus #1	Start Time:		9:45	9:45	9:40	9:45	9:45	9:40	9:45	9:40	9:40	9:45	9:40	9:55	9:30	
	End Time:		2:05	2:05	2:10	2:00	2:10	1:55	2:00	2:10	2:00	2:05	1:35	1:50	1:15	
	Unique Riders:		9	10	11	12	9	10	10	12	12	10	14	8	9	136
WEATHER																
Bus #2	Start Time:		9:50	9:45	9:45	0	9:45	10:15	9:45	9:45	9:45	9:45	9:45	9:45	9:45	
	End Time:		12:00	12:00	12:15	0	12:15	11:55	12:15	12:30	12:00	12:30	12:15	12:30	11:50	
	Unique Riders:		2	3	4	0	6	0	1	1	6	3	1	12	6	45
NO BUS-2																
Rider Donations:		\$0.00	\$20.00	\$37.00	\$33.00	\$25.00	\$21.00	\$19.00	\$27.00	\$35.00	\$39.00	\$22.00	\$35.00	\$20.00	\$8.00	\$341.00
Weekly Riders:		0	11	13	15	12	15	10	11	13	18	13	15	20	15	181

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 04/15/2019
Item No.: 7.b

Department Approval



City Manager Approval



Item Description: Larpenteur Ave Safety Improvements Discussion

1 **BACKGROUND**

2 On January 5, 2019, two pedestrians crossing Larpenteur Ave near Woodbridge Street (west of
3 Rice Street) were struck and killed. As a result of this tragic event, and building on the
4 momentum of the recently completed Rice-Larpenteur Vision Plan (final draft dated March 20,
5 2018), Ramsey County has been working with the cities of Roseville and St. Paul in order to
6 identify safety improvements along Larpenteur Ave. It is anticipated that some of the proposed
7 improvements will be implemented in 2019.

8 The Rice-Larpenteur Vision Plan identified a recommendation to “Study opportunity to create
9 new traffic-controlled intersections (to include pedestrian crossing improvements) along Marion
10 Street at Larpenteur Avenue.” While there isn’t a specific recommendation with the Visioning
11 Plan, there was discussion and support and there continues to be discussion about converting
12 Larpenteur Avenue to a three-lane section in this general area. This would be very similar to the
13 conversion done on Maryland Avenue from Payne Ave to Johnson Parkway in St. Paul.

14 Ramsey County, Roseville, and St Paul staff members have met a few times in the past several
15 months to discuss what can be done in the short term, and what can be more specifically planned
16 for the long term.

17 On Thursday, March 21st Ramsey County and the Community School of Excellence hosted a
18 community meeting to gather input from community members about the safety concerns along
19 this stretch of Larpenteur Ave (focusing on the area from Dale Street to Rice Street). There was
20 some good conversation about how and where people cross Larpenteur, the needs of the school,
21 and the needs of the surrounding residents.

22 Based on that meeting, Ramsey County has been working to identify what improvements they
23 can commit to in 2019 and where marked crosswalks could be installed along this stretch of
24 Larpenteur Ave. The County is working to restripe Larpenteur Ave as a three-lane section (one
25 through lane in each direction and a center left turn lane) from Dale Street to Rice Street and
26 identify three locations for enhanced crosswalks.

27 The current plan is to remove the current pavement markings on Larpenteur Ave between Dale
28 St and Rice St. The County will then restripe the roadway as a three-lane section (see
29 Attachment B).

30 Staff anticipates receiving a draft layout from Ramsey County showing these improvements by
31 Friday, April 12th. Staff will add this to the Council packet at that time and present the elements

32 of the proposed layout at this Council meeting.

33 The County will also present these proposed improvements to the public at an Open House
34 preliminarily scheduled for Tuesday, April 30th. Staff will confirm the final date and time once it
35 has been finalized.

36 **POLICY OBJECTIVE**

37 Goal 5 of the City of Roseville Draft 2040 Transportation Plan (Chapter 7 of the Draft
38 Comprehensive Plan):

39 Encourage the use of non-motorized transportation by providing and supporting
40 development of a high-quality network of both off-road and on-road pathways,
41 and ensure that bicycle and pedestrian routes are safe, efficient and attractive.

42 **BUDGET IMPLICATIONS**

43 There are currently no proposed costs to the City of Roseville for any of the proposed improvements
44 along Larpenteur Ave. This could change if a flasher system and/or signal system is ultimately
45 recommended long term to further enhance any of the proposed marked crosswalks.

46 **STAFF RECOMMENDATION**

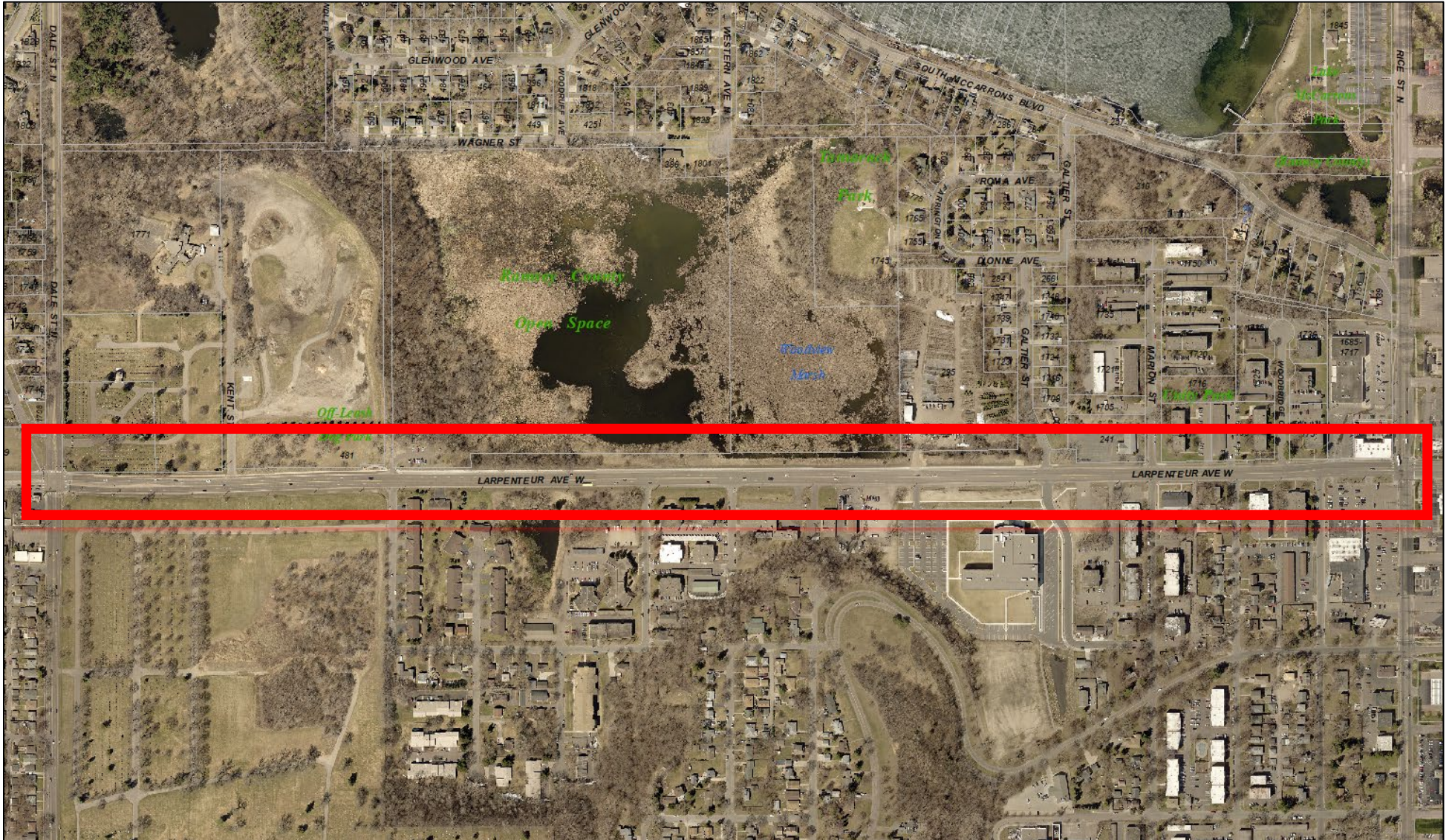
47 Receive a presentation on the proposed Larpenteur Ave safety improvements and provide feedback
48 to staff.

49 **REQUESTED COUNCIL ACTION**

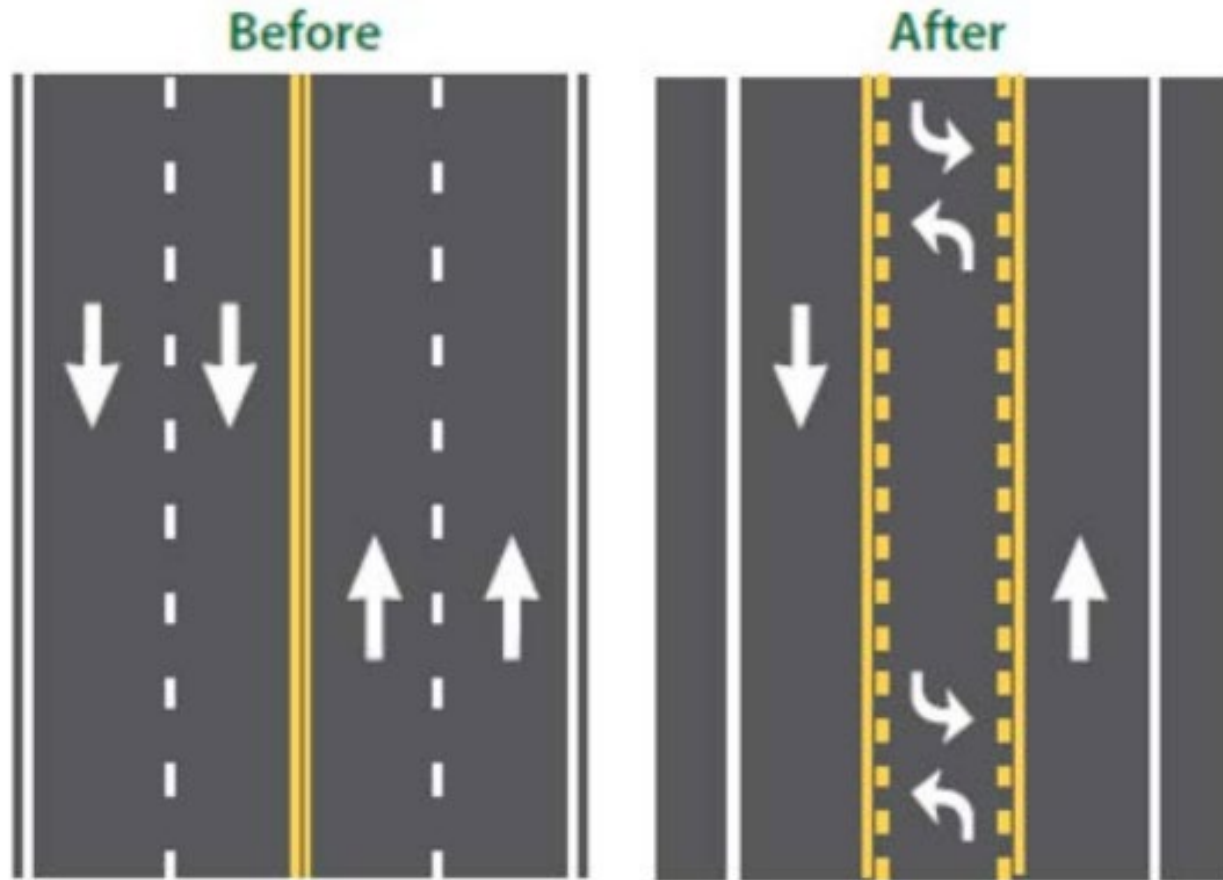
50 Receive a presentation on the proposed Larpenteur Ave safety improvements and provide feedback
51 to staff.

52 Prepared by: Marc Culver, Public Works Director
Attachments: A: Project Location Map
B: Four lane to Three Lane Conversion Figure

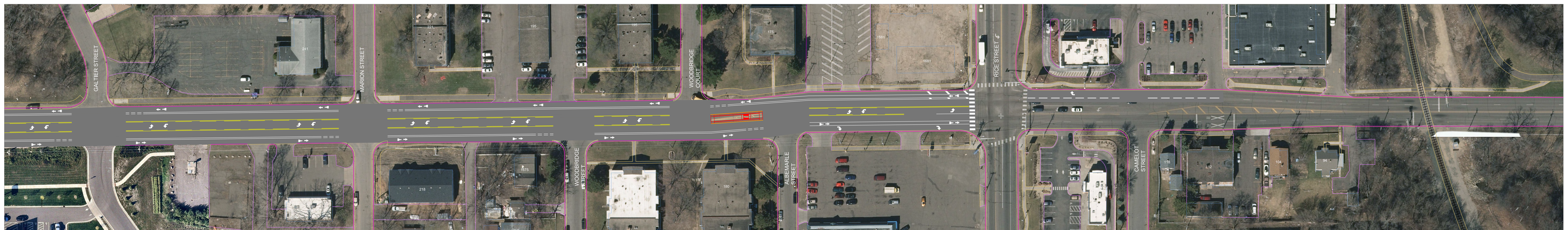
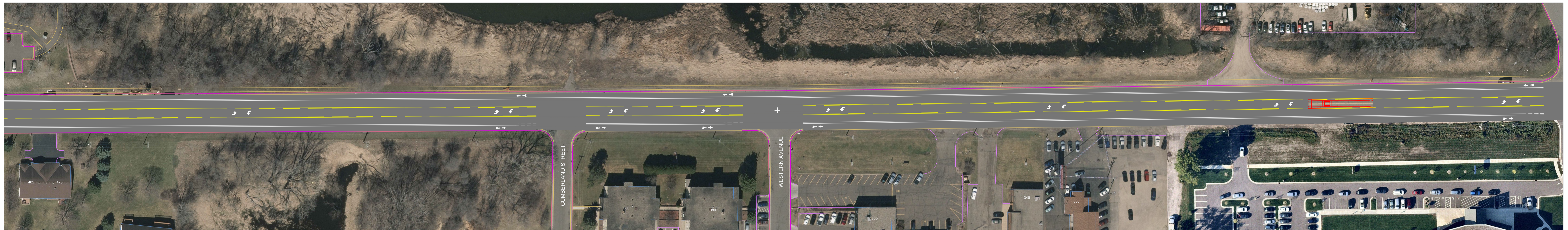
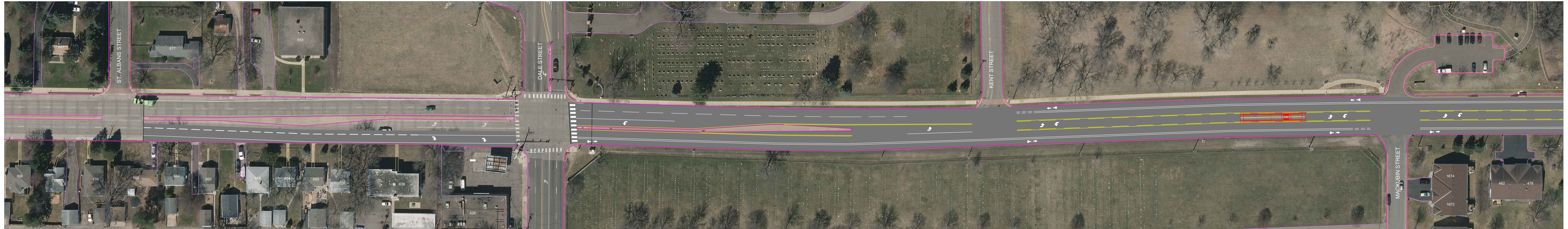
PROJECT LOCATION MAP



Four Lane to Three Lane Conversion



LARPENTEUR AVENUE DALE STREET TO RICE STREET PRELIMINARY 2019



ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 4-15-2019
Item No.: 7.c

Department Approval

Janice Gundlach

Janice Gundlach, Community Development Director

City Manager Approval

Sam J. Truog

Item Description: **Continued discussion on possible amendments or improvements to Code Enforcement practices to better address properties with repeat City Code Violations**

BACKGROUND

This item is a continued discussion after receiving input and direction from Council on September 17, 2018. Staff has reviewed and researched several options and has compiled some suggested text amendments to existing City Code.

Staff offers the following options to reduce repeat problem properties with Code violations:

1. Enhancements to existing Code Enforcement procedures

Increase the time frame for action under Chapter 511 Repeat Nuisance Service Call. Currently, when the City has rendered services or responded to the property on three or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct the City may impose a repeat service call fee. An increase to three or more rendered services or responses to or for the abatement of nuisance conduct within a period of 730 days (two years), may help in reducing the habitual and chronic problem properties. Staff has drafted suggested text amendments to Chapter 511, included with this RCA as Attachment A, that incorporates this amendment.

Staff also proposes non-substantive revisions to Section 511.04 (D) regarding how notice is given.

Additionally, staff suggests expanding the coverage of the Neighborhood Enhancement Program to inspect approximately one-half of the properties within the City annually. This would be an expansion from the current coverage of approximately one-third of the City inspected annually. This expansion would be possible through the efficiencies gained through notification changes used in the 2018 program and would correlate with the increase in repeat nuisance timeframe.

2. Limit Outside Storage of Vehicles on Residential Property

Council directed staff to define vehicle storage. In response, staff offers the following definition in Section 407.01:

“STORED VEHICLE: An otherwise operable vehicle, kept or parked outside of a structure in excess of 30 consecutive days without use or movement, unless otherwise restricted or permitted.”

35 Staff is also proposing a definition of “unauthorized vehicle” and other non-substantive revisions
36 to Sections 407.02 and 407.04 regarding reference to these terms.

37
38 Regarding Section 407.10 and 407.11, staff is proposing revisions that eliminate the term
39 “variance” and replace with the term “deviation”. The concern with the term variance is its
40 meaning under Minnesota Statutes ~~394.27~~ 462.357, subdivision 6 and the requirement to demonstrate a
41 practical difficulty in complying with the official control. The requirements of this section are
42 not proposed to be amended, only the name of the process to ensure the “practical difficulty” test
43 is not required (or the public hearing that the section requires).

44
45 Staff has prepared draft text amendments and included them as Attachment B.

46
47 **43. Add requirements for registering vacant buildings**
48 Staff also suggests that registering vacant buildings (only buildings, not land) could reduce the
49 efforts being put in to certain repeat problem property issues. To that effort, staff has reviewed
50 the programs of other cities and suggests including vacant buildings to the current Rental
51 Registration Ordinance. Information on where vacant buildings are within the community will
52 help the City have a point of contact, if and when there are code violations or public safety
53 concerns related to the vacant building. Residential and commercial buildings that are anticipated
54 to be vacant in excess of 180 consecutive days would be required to be registered under the code
55 amendments proposed by staff. Multi-tenant commercial buildings would only be considered
56 vacant if the entire building was vacant, not just an individual tenant space. This requirement for
57 commercial buildings might provide a clear timeframe for a previous use to no longer be allowed
58 if the vacancy remains in excess of one year.

59
60 Staff would also ask for Council input and direction on adding an inspection component to the
61 existing Rental Registration Ordinance that may provide greater awareness of property owner
62 responsibilities.

63
64 Staff has prepared draft text amendments and are included as Attachment C.

65
66 **REQUESTED COUNCIL ACTION**

67 Staff requests the City Council review and provide direction to staff related to the proposed text
68 and program amendments related to the discussion topics herein.

69
70 Prepared by: Dave Englund, Building Official (651) 792-7087

71 Attachments: A: Draft text amendments Chapter 511
72 B: Draft text amendments Chapter 407
73 B.1: Referenced State Statutes
74 C: Draft text amendments Chapter 907
75 D: Meeting minutes from 9/17/18

CHAPTER 511
REPEAT NUISANCE SERVICE CALL

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SECTION:

- 511.01: Purpose and Application
- 511.02: Definition of Nuisance Conduct
- 511.03: Repeat Nuisance Service Call Fee
- 511.04: Notice
- 511.05: Delinquent Payment and Fee Recovery
- 511.06: Enforcement
- 511.07: Right to Appeal
- 511.08: Legal Remedies Nonexclusive
- 511.09: Exceptions and Affirmative Defenses

511.01: PURPOSE and APPLICATION:

The purpose of this Chapter is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the City to the same property or location for nuisance service calls, as defined herein, which may prevent police, public safety, or other city services from reaching other residents of the City.

It is the intent of the City, by the adoption of this Chapter, to impose and collect service call fees from the owner or occupant, or both, of property to which City officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the City. The repeat nuisance service call fee is intended to cover cost over and above the cost of providing normal law or code enforcement services and police protection.

This Chapter shall apply to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the City.

This Chapter shall apply to any repeat nuisance service calls as set forth herein made by a City of Roseville employee, including a police officer, community service officer, firefighter, and/or code enforcement employee.

511.02: DEFINITION OF NUISANCE CONDUCT:

For purposes of this Chapter, the term "nuisance conduct" means any activity, conduct or condition occurring within the City that annoys, injures or endangers the reasonable safety, health, morals, comfort or repose of any member of the public, or will tend to alarm, anger or disturb others. Nuisance conduct includes but is not limited to the following:

- A. Any activity, conduct, or condition defined as a public nuisance under any provision of the City Code or Minnesota State laws;

- 36 B. Any activity, conduct, or condition in violation of any provision contained in Title 4,5,6 or 9
 37 of the City Code;
- 38 C. Any conduct, activity or condition constituting a violation of Minnesota state laws
 39 prohibiting or regulating prostitution, gambling, controlled substances or use of firearms;
 40 and/or
- 41 D. Any conduct, activity, or condition constituting disorderly conduct as defined under Chapter
 42 609 of Minnesota Statutes.

43 **511.03: REPEAT NUISANCE SERVICE CALL FEE**

44 The City may impose a repeat nuisance service call fee upon the owner or occupant of private
 45 property if the City has rendered services or responded to the property on three or more
 46 occasions within a period of ~~(365)~~ **730** days in response to or for the abatement of nuisance
 47 conduct. The repeat nuisance service call fee shall be as established by the City Fee Schedule in
 48 Section 314.052 of the City Code.

49 **511.04: NOTICE**

50 No repeat nuisance service call fee may be imposed against an owner or occupant (or both with
 51 the owner and occupant each being responsible for a separate repeat nuisance service call fee) of
 52 property without first providing such owner or occupant with written notice of the previous
 53 nuisance service calls prior to the latest nuisance service call rendered by the City upon which
 54 the fee is imposed. The written notice shall:

- 55 A. Identify the nuisance conduct that has occurred on the property, and the dates of the nuisance
 56 conduct activity or condition;
- 57 B. State that the owner or occupant may be subject to a repeat nuisance service call service fee
 58 if a third nuisance call is rendered to the property for any further nuisance conduct;
- 59 C. State that the City has the right to seek other legal remedies or actions for abatement of the
 60 nuisance conduct; and
- 61 D. ~~Be served upon such owner and/or occupant by certified mail at the last known address of~~
 62 ~~such person. Service of such notice shall be deemed complete upon mailing.~~
 63 Service of Notice: Notices may be served by one (or more) of the following methods:
 64 1. In person; or
 65 2. By regular or certified mail; or
 66 3. By posting on site or premises.

67 **511.05: DELINQUENT PAYMENT and FEE RECOVERY**

68 The repeat nuisance service call fee shall be due within thirty (30) days after a billing statement
 69 is mailed by the City to the owner and/or occupant of the property responsible for the payment of
 70 the fee at such person's last known address. If the fee is not paid within such 30 day period, it
 71 will be deemed delinquent and a ten percent (10%) penalty shall be added to the repeat nuisance
 72 service call fee. If the repeat nuisance service call fee becomes delinquent, the City shall have,
 73 in addition to all other remedies available at law or in equity for the collection of such fee, the
 74 following remedies:

- 75 A. Seek a monetary judgment and collection thereof from such owner and/or occupant, or

76 B. Assess the property which was the subject of the nuisance conduct pursuant to Minn. Stat.
77 §429.101.

78
79 Failure of a person to pay a repeat nuisance service call fee shall be grounds for the denial of a
80 license which is related to the nuisance conduct for which the repeat nuisance service call fee
81 was imposed.

82 **511.06: ENFORCEMENT**

83 The City Council authorizes the Police Chief, Fire Chief, or the Community Development
84 Director, or their designees (collectively referred to herein as the “City Enforcement Officials”),
85 to administer and enforce this Chapter.

86 **511.07: RIGHT TO APPEAL**

87 When the City mails the billing statement by **certified** mail for the repeat nuisance service call
88 fee, the City will inform the owner and/or occupant of their right to request a hearing.

89 The owner and/or occupant upon whom the fee is imposed must request a hearing within ten (10)
90 business days of the mailing of the billing statement, excluding the day the statement is mailed.
91 The request for a hearing must be in writing and mailed or hand-delivered to the City Manager’s
92 Office. The hearing will occur within fourteen (14) days of the date of the request. If the owner
93 and/or occupant fails to request a hearing within the time and in the manner required under this
94 Section, the right of such person to a hearing is waived.

95 The hearing shall be conducted by a hearing officer selected by the City Manager in an informal
96 manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly
97 applied. After considering all evidence submitted, the hearing officer shall make written Findings
98 of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat
99 nuisance service call fee. The Findings of Fact and Conclusions shall be served upon the owner
100 and/or occupant by certified mail within ten (10) days of the hearing.

101 If the owner and/or occupant fails to appear at the scheduled hearing, the right of such person to
102 a hearing is waived and the repeat nuisance service call fee shall be payable in accordance with
103 Section 511.05 above. If the hearing officer determines that the repeat nuisance service call fee
104 is warranted, the person or persons responsible for the fee shall pay the fee within ten (10)
105 business days following the date that the written Findings of Fact and Conclusions are mailed. If
106 the repeat nuisance service call fee is not paid within said ten (10) day period, it shall be deemed
107 delinquent and the provisions of Section 511.05 pertaining to delinquent payments shall apply.

108 **511.08: LEGAL REMEDIES NONEXCLUSIVE**

109 Nothing in this Chapter will be construed to limit the City's other available legal remedies,
110 including criminal, civil, injunctive or others, for any violation of the law which may constitute
111 nuisance conduct.

112 **511.09: EXCEPTIONS AND AFFIRMATIVE DEFENSES**

113 **A. COMMERCIAL BUSINESS PROPERTY:** At the discretion of the City Enforcement
114 Officials, repeat nuisance service call fees may be waived against an owner or occupant of

ATTACHMENT A

115 property upon which a commercial business is being operated who has entered into and complied
116 with a memorandum of understanding with the City that addresses the underlying causes for the
117 nuisance conduct and provides a course of action to alleviate the nuisance conduct.

118 (Ord. 1396, 9-20-2010)

119 B. DOMESTIC ASSAULT INCIDENTS: Repeat nuisance service call fees shall not be imposed
120 against the victim for a response to circumstances involving domestic assault incidents or order
121 for protection violations.

122 C. MEDICAL EMERGENCIES: Repeat nuisance service call fees shall not be imposed for any
123 medical-related emergency response except for medical-related emergencies that are
124 violations of Minn. Stat. Section 609.78 Subd. 4 (Misuse of 911).

125 D. RENTAL PROPERTIES: At the discretion of the City Enforcement Officials, repeat
126 nuisance service call fees may be waived against an owner or occupant of rental property
127 who has:

128 ~~A.~~ 1. Commenced eviction proceedings against the tenant or tenants responsible for the
129 nuisance conduct, conditions or characteristics, or

130 ~~B.~~ 2. Entered into and complied with a memorandum of understanding with the City that
131 addresses the underlying causes for the nuisance conduct and provides a course of action
132 to alleviate the nuisance conduct.

133 E. VICTIM OF NUISANCE CONDUCT: A repeat nuisance service call fee shall not be
134 imposed against the victim of the nuisance conduct for which a response nuisance service
135 call was made.

ATTACHMENT B

CHAPTER 407 NUISANCES

SECTION:

- 407.01: Definitions
- 407.02: Nuisances Affecting Public Comfort or Repose
- 407.03: Nuisances Affecting Public Health and Safety
- 407.04: Vehicles Constituting a Public Nuisance
- 407.05: Public Nuisance Unlawful
- 407.06: Enforcement
- 407.07: City Abatement of Public Nuisances
- 407.08: Recovery of Cost
- 407.09: Accelerated Abatement Process for Certain Nuisances
- 407.10: Public Nuisance Variance
- 407.11: Variance Appeal

407.01: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ABANDONED VEHICLE: A motor vehicle that:

- a. Has been illegally parked on public property for a period of more than 48 hours;
- b. Has been parked on private property without the consent of the person in control of the property for a period of more than 48 hours;
- c. Has been voluntarily surrendered by its owner to the city or to a moving contractor hired by the city for its removal.

ANIMALS, Domestic: Animals kept within the home as pets such as; fish, dogs, cats, household birds and similar animals.

ANIMALS, Non-Domestic: Animals, which are kept outside the home for purposes of food or pleasure such as; cattle, hogs, horses, sheep, llamas, goats or other similar animals.

FRONT YARD AREA: All that area between the front property line and a line drawn along the front face or faces of the principal structure on the property extended to the side property lines. The front side of the property shall be determined as specified in Title 11 of this code.

GROUND COVER: Vegetation and landscaping that covers the ground surface or topsoil and has the effect of reducing erosion. (Ord. 1384, 7-13-2009)

GRAFFITI: Any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, painted, drawn or otherwise placed on any exterior surface of a building wall, fence, sidewalk, curb, dumpster or other such temporary or permanent structures on public and private property and which has the effect of defacing the property.

INOPERABLE CONDITION: A vehicle which has no substantial potential use consistent with its usual function, and may include a vehicle that:

- a. Has a missing or defective vital component part;
- b. Is stored on blocks, jacks or other supports.
- c. Is being used as a portable storage unit.

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43 JUNK VEHICLE: An inoperable motor vehicle which is; in inoperable condition, partially dismantled,
44 used for sale of parts, a source of repair or replacement parts for other vehicles, kept for scrapping,
45 dismantling or salvage of any kind. Unless such vehicle is kept in an enclosed garage. An abandoned
46 vehicle shall also be considered a junk vehicle for the purpose of this chapter.

47 NATURAL AREAS: Natural, restored, or recreated woodlands, savannahs, prairies, meadows, bogs,
48 marshes, and lake shores. (Ord. 1384, 7-13-2009)

49 NATURAL LANDSCAPING: Planned landscaping designed to replicate a locally native plant
50 community by using a mix of plants, shrubs, and trees native to the area. (Ord. 1384, 7-13-2009)

51 NUISANCE: Any act, substance, matter emission or thing which creates a dangerous or unhealthy
52 condition or which threatens the public peace, health, safety or sanitary condition of the city or which is
53 offensive or has a blighting influence on the community and which is found upon, in, being discharged
54 or flowing from any street, alley, highway, railroad right of way, vehicle, railroad car, waterway,
55 excavation, building, structure, lot, grounds, or other property located within the city of Roseville.

56 Nuisances shall include, but not be limited to, those enumerated below:

- 57 a. Maintaining or permitting a condition which unreasonably annoys, injures or
58 endangers the safety, health, comfort or repose of members of the public; or
- 59 b. Interfering with, obstructing or rendering dangerous for passage, any public road or right of
60 way, street, alley or highway or waters used by the public; or
- 61 c. In any way rendering the public insecure in life or in use of property; or
- 62 d. Any other act or omission declared by law to be a public nuisance
63 specifically provided.

64 OCCUPANT: Includes any person living in or in control of any dwelling unit upon property wherein a
65 nuisance is determined to be present.

66 PEDDLING AND SOLICITING: The practice of going house-to-house, door-to-door, business to-
67 business, street-to-street, or any other type of place-to-place, for the purposes of offering for sale or
68 obtaining, or attempting to obtain, orders for goods, wares, products, merchandise, other personal
69 property or services.

70 PORTABLE STORAGE UNIT: A portable structure used for temporary storage of household goods in
71 residential areas.

72 SERVICE STATION: A business involving the sale of motor fuel and/or the repair of motor vehicles.

73 STORED VEHICLE: An otherwise operable vehicle, kept or parked outside of a structure in excess of
74 30 consecutive days without use or movement, unless otherwise restricted or permitted.

75 UNAUTHORIZED VEHICLE: A vehicle that is subject to removal pursuant to State Statute section
76 168B.035 or 168B.04, subd. 2 but is not an abandoned or junk vehicle. A stored vehicle shall be
77 considered an unauthorized vehicle.

78

79 VEHICLE: Any vehicle as defined in Minnesota Statutes but excluding the following:

- 80 a. Snowmobiles; or
- 81 b. "All-terrain vehicles" as defined in Minnesota Statutes.

82 VITAL COMPONENT PARTS: Those parts of the motor vehicle that are essential to the mechanical
83 functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels. (Ord. 1162,
84 7-10-1995)

85 **407.02: NUISANCES AFFECTING PUBLIC COMFORT OR REPOSE:**

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86 The following are hereby declared to be public nuisances affecting public, comfort or repose:

- 87 A. Backyard Composting: All composting consisting of yard waste and/or kitchen waste which have
88 been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly,
89 or do not meet the requirements of Chapter 409. (Ord. 1092, 6-10-91, amended (Ord. 1384, 7-13-
90 2009)
- 91 B. Building Maintenance and Appearance: Buildings, fences, and other structures, which have been so
92 poorly maintained that their physical condition and appearance detract from the surrounding
93 neighborhood. Any building, fence or other structure not complying with Chapter 906 of this Code
94 or the following:
- 95 1. All exterior doors and shutters shall be hung properly and have an operable mechanism
96 to keep them securely shut or in place.
 - 97 2. All cornices, moldings, lintels, bay or dormer windows and similar projections shall be
98 kept in good repair and free from cracks and defects which make them hazardous or
99 unsightly.
 - 100 3. Roof surfaces shall be tight and have no defects which admit water. All roof drainage
101 systems shall be secured and hung properly.
 - 102 4. Chimneys, antennae, air vents and other similar projections shall be structurally sound
103 and in good repair. Such projections shall be secured properly where applicable to an
104 exterior wall or exterior roof.
 - 105 5. All foundations shall be structurally sound and in good repair.
- 106 C. Debris: An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, cut
107 vegetative debris, or other debris of any nature or description and the throwing, dumping or
108 depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones,
109 ashes, rubbish, tin cans or other material of any kind onto public or private property. (Ord. 1337,
110 5-22-2006)
- 111 D. Graffiti: (Ord. 1337, 5-22-2006)
- 112 E. Keeping of Non-Domestic Animals: The keeping of animals, other than those commonly called
113 poultry or bees.
- 114 F. Noises: All noises in violation of Chapter 405 of this Code.
- 115 G. Parking and Storage: The outside parking or storage on residentially-zoned property of vehicles,
116 materials, supplies or equipment in violation of the provisions set forth:
- 117 1. Non-Permanent Structures: No person may place, store, or allow the placement or
118 storage of ice fish houses, skateboard ramps, play houses, or other similar nonpermanent
119 structures outside continuously for longer than 24 hours in the front-yard area of
120 residentially-zoned property.
 - 121 2. Storage on Property: No person may place, store or allow the placement or storage of
122 the following, for a period longer than 4 days in the front yard or unscreened street facing
123 side yard of a corner lot of any residential zoned area:
 - 124 a. Trailers of any type, unless completely placed on an improved surface as
125 defined in this Code and stored no closer than five (5) feet of a property
126 line; or
 - 127 b. Boats or watercraft of any type in excess of 20 foot length; or
 - 128 c. Vehicles of any type in inoperable condition; or
 - 129 d. Vehicles of any type that are posted as “for sale”; or
 - 130 e. Recreational vehicles as defined by State Statute, unless stored completely
131 on an improved surface, as defined in this Code and meeting a five (5)
132 foot setback requirement to a property line and no portion of the vehicle
133 may be stored on or over the Public Right of Way.

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134 3. Storage of Materials: No person may place, store or allow the placement or storage of
135 pipe, lumber, steel, machinery or similar materials including all vehicles, equipment or
136 materials used in connection with a business, outside on residentially-zoned property,
137 except for temporary storage of such materials for use in the construction or remodeling
138 of a structure on the property when a valid City issued building permit exists.

139 4. Vehicle Parking, General: No person shall cause, undertake, permit or allow the
140 outside parking and storage of vehicles in residentially-zoned property for more than 4
141 days unless it complies with the following requirements: (Ord. 1288, 8-4-2003)

142 a. Vehicles shall be on an improved surface as defined in this Code.

143 b. Vehicles must be owned by a person who is a legal resident of that
144 property and continuously maintain current registration and licensure.
145 (Ord. 1466, 04-21-2014)

146 5. Large/Commercial Vehicles: No person, owning, driving or in charge of any vehicle
147 with a manufacturers rated capacity of more than one ton, as specified in Minnesota
148 Statutes, may cause or permit that vehicle to be parked outside or stand continuous for
149 more than two hours on a property or public street within a residential zone in the City,
150 with the exception of the following:

151 a. Any motor truck, pickup truck, or similar vehicle being used by a public
152 utility, moving company, or similar company, which is actually being used
153 to service a residence not belonging to or occupied by the operator of the
154 vehicle; or

155 b. Any vehicle which is actually making a pickup or delivery at the location
156 where it is parked. Parking for any period of time beyond the period of
157 time reasonably necessary to provide such excepted service or to make
158 such a pickup or delivery and in excess of the two hour limit shall be
159 unlawful.

160 6. Street Parking, Trailers and Recreational Vehicle: No trailer (of any size), boat
161 supported on a trailer, or recreational vehicle (with dual rear tires or dual rear axle) may
162 be parked on a public street or right-of-way within the City for: 1) more than 4
163 consecutive days, or, 2) more than 4 total days in any calendar month.

164 a. Parking in one location for over 2 hours (in a 24 hour period) qualifies
165 as a 'day' for purposes of this section.

166 H. Service Stations: Operation of a service station if conducted in a manner that includes any of the
167 following:

168 1. The sale, or display in aid of sale, of any motor vehicle.

169 2. The use of service station premises for storage of damaged or abandoned motor
170 vehicles for in excess of seven days without a directive of the Chief of Police.

171 3. The storing of or accumulation of any of the following items on the premises in view
172 of adjacent properties:

173 a. Used oil cans; or

174 b. Discarded auto parts; or

175 c. Discarded tires; or

176 d. Any other items of similar nature.

177 4. Allowing tires to be sold or displayed for sale within view of adjacent properties,
178 unless the same are displayed in a rack and only during business hours. (Ord. 499, 8-8-
179 66; amd. 1995 Code)

180 I. Smoke and Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities.
181 (Ord. 207, 11-9-55)

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- 182 J. Vibrations: All unnecessary and annoying vibrations.
- 183 K. Weeds and Vegetation: All noxious weeds in all locations. Also, turf grasses, nuisance weeds and
184 rank vegetative growth not maintained at a height of eight inches or less in locations closer than
185 40 feet from:
- 186 1. An occupied principal structure;
 - 187 2. Any property line with an occupied structure on abutting property; or
 - 188 3. A public road pavement edge.
- 189 This shall not apply to:
- 190 1. Natural areas, public open space or park lands, as determined by the city forester or
191 naturalist designated by the city manager. (Ord. 1136, 2-28-1994); Amd. (Ord. 1384, 7-
192 13-2009)
 - 193 2. Yard areas with natural landscaping that follow the City policy for natural landscaping
194 (Ord. 1384, 7-13-2009)
- 195 L. Yard Cover: Yard area of a lot shall not be bare soil, shall be covered by a groundcover and shall be
196 maintained as set forward in Section 407.02(K). (Ord. 1384, 7-13-2009) (Ord. 1466, 4-21-2014)

197 **407.03: NUISANCES AFFECTING PUBLIC HEALTH AND SAFETY:**

- 198 The following are declared to be nuisances affecting public health and safety:
- 199 A. Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.
 - 200 B. Dangerous Buildings: All buildings, walls and other structures which have been damaged by fire,
201 decay or otherwise to an extent exceeding 1/2 their replacement value or which are so situated as to
202 endanger the safety of the public, or by order of the Building Official.
 - 203 C. Dangers Attractive to Children: All dangerous, unguarded machinery, equipment or other property
204 in any public place or so situated or operated on private property as to attract minor children.
 - 205 D. Diseased Animals: All diseased animals running at large.
 - 206 E. Explosives: All explosives, inflammable liquids and other dangerous substances or materials stored
207 or accumulated in any manner or in any amount other than that provided by law.
 - 208 F. Holes and Excavations: Any well, hole or similar excavation that is left uncovered, unprotected or
209 in such other condition as to constitute a hazard to a person on the premises where it is located.
 - 210 G. Interference With Radio Or TV: All unnecessary interference and disturbance of radios or TV sets
211 caused by defective electrical appliances and equipment or improper operation of any defective
212 electrical appliances and equipment.
 - 213 H. Interfering With Drainage: Placing entrance culverts or doing any act which may alter or affect the
214 drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks
215 without proper permit.
 - 216 I. Junk: The outside piling, storing or keeping of old machinery, furniture, household furnishings or
217 appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris
218 visible on private or public property. (Ord. 1162, 7-10-1995)
 - 219 J. Low Wires, Tree Limbs, Other Vegetation : All wires, tree limbs and other vegetation which are
220 located close enough to the surface of a public non-motorized pathway, street or alley as to
221 constitute an impediment to the safe passage of pedestrians, bicyclists or permitted vehicles.
 - 222 K. Material From Air: Throwing, dropping or releasing printed matter, paper or any other material or
223 objects over the City from an airplane, balloon or other aircraft or in such a manner as to cause such
224 material to fall or land in the City.
 - 225 L. Obstruction of Streets, Crowds: Any use of property abutting on a public street or sidewalk or any
226 use of a public street or sidewalk which causes large crowds of people to gather obstructing traffic
227 and the free use of public streets or sidewalks, except where permitted by the City.

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- 228 M. Peddling and Soliciting:
- 229 1. Engaging in Peddling or Soliciting, if conducted in the following manner:
- 230 a. Obstructing the free flow of either vehicular or pedestrian traffic on any street,
- 231 alley, sidewalk or other public right-of-way; or
- 232 b. Creating a threat to the health, safety and welfare of any individual or the
- 233 general public; or
- 234 c. Doing so before 9:00 a.m. or after 7:00 p.m.; or
- 235 d. Making any false or misleading statements about the product or service being
- 236 offered, including untrue statements of endorsement; or
- 237 e. Remaining on the property of another when requested to leave; or
- 238 f. Otherwise act in a manner a reasonable person would find obscene, threatening,
- 239 intimidating or abusive.
- 240 2. Entering the property of another, unless invited to do so by the property owner or
- 241 tenant prior to entrance onto the property, for the purpose of conducting business as a
- 242 peddler or solicitor when the property is marked with a sign or placard meeting the
- 243 following criteria:
- 244 a. Sized at least 4 inches long and 4 inches wide; and
- 245 b. Having print at least 48 point in size or one half inch tall; and
- 246 c. Stating “No Trespassing” or “No Peddlers or Solicitors,” or “Peddlers and
- 247 Solicitors Prohibited” or other comparable statement.
- 248 3. Removing, defacing or otherwise tampering with any sign or placard displayed in
- 249 accordance with paragraph 2 above by a person other than the property owner or tenant.
- 250 (Ord. 1293, 8-11-2003)
- 251 N. Radio Aerials: Radio aerials strung or erected in any manner except that provided by law.
- 252 O. Repairing Vehicles or Tires in Streets: Making repairs to motor vehicles or tires in public streets or
- 253 alleys, excepting only emergency repairs when such repairs will not unduly impede or interfere with
- 254 traffic.
- 255 P. Snow On Non-motorized Pathways: On all properties with off-the-road, non-motorized pathways,
- 256 except nontax exempt Low Density Residential properties, ice and snow that is not removed from
- 257 the non-motorized pathway within 12 hours after snow and ice have ceased to be deposited thereon.
- 258 (Ord. 925, 5-9-83)
- 259 Q. Storage of Wood: The storage of any wood or wood product used or intended to be used as fire
- 260 wood on residential properties within the City unless wood piles are erected, located and maintained
- 261 in a safe and orderly fashion:
- 262 1. In neat and secure stacks elevated 6 inches off the ground;
- 263 2. A maximum height allowed for a wood pile is 6 feet; and
- 264 3. Fire wood shall only be stored in a side or rear yard.
- 265 R. Traffic Visibility: Maintaining conditions on any property that violate the requirements of Section
- 266 1011.06 of this Code (Visibility Triangles in All Districts).
- 267 S. Trash In Streets: Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds,
- 268 grass or other material in the streets, non-motorized pathways, alleys or gutters.
- 269 T. Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs
- 270 in streets, alleys or on sidewalks.

271 **407.04: VEHICLES CONSTITUTING A PUBLIC NUISANCE:**

- 272 A. Abandoned, Junk, Unauthorized and Inoperable Vehicles Create Hazard: Abandoned, junk,
- 273 unauthorized and inoperable vehicles are declared to be a public nuisance creating hazard to the
- 274 health and safety of the public because they invite plundering, create fire hazards, attract vermin,

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275 and present physical dangers to the safety and well-being of children and other citizens. The
276 accumulation and outside storage of such vehicles is in the nature of rubbish, litter and unsightly
277 debris and is a blight on the landscape and a detriment to the environment. It shall be unlawful for a
278 person to pile, store or keep wrecked, junked, inoperable, unauthorized or abandoned vehicles on
279 private or public property.

280 B. Vehicles Impeding Traffic Flow: Any vehicle, whether occupied or not that is found stopped,
281 standing or parked in violation of any ordinance or State statute; or that is reported stolen; or that is
282 found impeding firefighting, snow removal or plowing or the orderly flow of traffic is declared to
283 be a public nuisance.

284 C. Vehicles Impeding Road and Utility Repair: Any vehicle which is impeding public road or utility
285 repair, construction or maintenance activities after reasonable notice of the improper activities has
286 been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public
287 nuisance.

288 D. Vehicles Without Current Registration: Except where expressly permitted by state law, any vehicle
289 or other equipment, which requires registration for operation in the State of Minnesota, shall be
290 deemed to be junked, inoperable, unauthorized or abandoned if said vehicle does not have attached
291 thereto a valid registration issued by the proper State agency. (Ord. 1288, 8-4-2003)

292 E. Abatement of Vehicles:

293 1. Impounding: Any police officer or other duly authorized person may order any vehicle
294 constituting a public nuisance to be immediately removed and/or impounded. The impounded
295 vehicle shall be surrendered to the duly identified owner only upon payment of the required
296 impound, towing and storage fees.

297 2. Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in
298 accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles.
299 (Ord. 1162, 7-10-95)

300 **407.05: PUBLIC NUISANCE UNLAWFUL:**

301 It shall be unlawful for any person, firm, corporation or association to maintain any public "nuisance" as
302 defined in this Chapter and it shall further be unlawful to do any act which act is defined as a public
303 "nuisance" in this Chapter. (Ord. 320, 6-9-1961)

304 **407.06: ENFORCEMENT:**

305 The City Council authorizes the Community Development Director (or designee) to administer and
306 enforce this Chapter. The Community Development Director may institute, in the name of the City, any
307 appropriate actions or proceedings against a violator as provided by law. (Ord.1354, 10-22-2007)

308 **407.07: CITY ABATEMENT OF PUBLIC NUISANCES:**

309 A. Notice: Whenever an officer charged with enforcement determines that a public nuisance is being
310 maintained or exists on premises in the City, and determines that the City abatement process is
311 appropriate, the officer shall notify, in writing, the owner or occupant of the premises of such fact
312 and order that such nuisance be terminated or abated. The notice shall specify the steps to be taken
313 to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated.
314 (Ord.1354, 10-22-2007)

315 B. Noncompliance: If the notice is not complied with within the time specified, the enforcing officer
316 shall immediately report that fact to the City Council. The enforcing officer shall also provide
317 notice to the owner or occupant of the premises that the City Council will consider the matter and

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318 may provide for abating the nuisance by the City. The notice shall state the date on which the City
319 Council will consider the matter. Notice by the enforcing officer shall be given at least ten days
320 before the date stated in the notice when the City Council will consider the matter.
321 (Ord. 1337, 5-22-2006)

322 C. Action of City Council: Upon notice from the enforcing officer of noncompliance, the City Council
323 may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the
324 nuisance by the City.

325 D. Service of Notice: Notices may be served by any or all of the following methods:

- 326 1. In person; or
- 327 2. By regular or certified mail; or
- 328 3. By posting on site or premises.

329 E. Immediate Threat: If the nuisance poses an immediate threat to the health or safety of the public, the
330 City may abate the nuisance immediately with no hearing. (Ord. 1016, 6-8-1987) (Ord. 1337, 5-22-
331 2006)

332 **407.08: RECOVERY OF COST:**

333 A. Personal Liability: The owner of premises on which a nuisance has been abated by the City shall be
334 personally liable for the cost to the City of the abatement, including administrative costs. As soon as
335 the work has been completed and the cost determined, the City Manager, or other official
336 designated by the City Council, shall prepare a bill for the cost and mail it to the owner. The amount
337 shall be immediately due and payable at the office of the City Manager.

338 B. Assessment: If the nuisance is a public health or safety hazard on private property, the accumulation
339 of snow and ice on public sidewalks, the growth of weeds on private property or outside the
340 traveled portion of streets, or unsound or insect infected trees, the city manager shall, on or before
341 September 1 next following abatement of the nuisance, list the total unpaid charges along with all
342 other such charges, as well as other charges for current services to be assessed under Minnesota
343 Statutes section 429.101 against each separate lot or parcel to which the charges are attributable.
344 The City Council may then spread the charges against such property under that statute and other
345 pertinent statutes for certification to the County Auditor and collection along with current taxes the
346 following year, or in annual installments not exceeding 10, as the City Council may determine in
347 each case. (Ord. 1016, 6-8-1987)
348

349 **407.09: ACCELERATED ABATEMENT PROCESS FOR CERTAIN** 350 **NUISANCES:**

351 A. Notwithstanding the provisions of section 407.07 of this chapter, city officers charged with
352 enforcement of this chapter shall follow the accelerated procedure described below for abating
353 accumulations of snow and ice under subsection 407.03P of this chapter, tall grasses, nuisance
354 weeds and other vegetative growth under subsection 407.02K of this chapter; cut vegetative debris
355 under subsection 407.02C of this chapter; and graffiti under subsection 407.02D of this chapter.
356 (Ord. 1337, 5-22-2006)

357 1. Notice of Violation: Whenever the officer charged with enforcement determines that a nuisance
358 proscribed under subsection 407.03P or 407.02K of this chapter is being maintained or exists on
359 premises in the city, written notice shall be served in person; or by posting on premises; or by
360 regular or certified first-class mail to the property owner or occupant. The notice shall specify the
361 nuisance to be abated, that the nuisance must be abated within 5 working days, and that if the
362 nuisance is not abated within 5 working days, that the city will have the nuisance abated and the

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363 cost of abatement certified against the property for collection with taxes.
364 2. Abatement by City: If the owner or occupant fails to comply with the notice within 5 days, the
365 city shall provide for abatement of the nuisance. The officer charged with enforcement shall keep
366 records of the cost of abatement and shall provide this information to the city manager for
367 assessment against the property pursuant to section 407.08 of this chapter. (Ord. 1228, 7-12-1999)

368 **407.10: PUBLIC NUISANCE VARIANCE DEVIATION:**

369 A. A variance deviation request pertaining to nuisances occurring on public or private property as
370 addressed in Section 407.02.G.1,2,4 and/or 407.04.A,D may be filed by a property owner or occupant
371 with the following requirements:

- 372 1. Shall be submitted on forms supplied by the City; and
- 373 2. Shall include a specific description detailing the reason for the variance deviation request; and
- 374 3. Shall be delivered to the Community Development Director within the timeframe given in the
375 notice provided pursuant to 407.07.A; and
- 376 4. Shall be accompanied by the fee set forth in Chapter 314.B; and
- 377 5. Submission of evidence, including written approval of the otherwise prohibited activity, by
378 75% of the adjacent property owners within 100 feet of the subject property or prohibited
379 activity.

380 B. Variance Deviation requests will be considered, approved or denied by the Community Development
381 Director or his/her designee(s). The Community Development Director or his/her designee(s) shall
382 notify the applicant and all property owners, identified under 407.10.A.5, within five (5) business days
383 the decision to approve or deny the request and the process available for appeal.

384 C. Variance Deviation approvals may be granted with or without conditions, including but not limited to
385 a time limited duration at the discretion of the City. Violations to any approved public nuisance variance
386 deviation shall be grounds for immediate revocation of the variance approved deviation. Additional
387 nuisance activity or violation to City Code may be grounds for the revocation of an approved variance
388 deviation.

389 **407.11: VARIANCE DEVIATION APPEAL:**

390 Variance Deviation denials or revocations may be appealed to City Council by the applicant. If an
391 appeal is filed it must:

- 392 1. Be submitted on forms supplied by the City; and
- 393 2. Be delivered to the City Manager within 10 days of the denial or revocation.

394 When an appeal is filed, a public meeting regarding the matter shall be held before the City Council,
395 acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar
396 days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the
397 evidence that had previously been considered as part of the formal action that is the subject of the
398 appeal. New or additional information from the appealing applicant(s) may be considered by the Board
399 of Adjustments and Appeals at its sole discretion if that information serves to clarify information
400 previously considered by the Community Development Director or his/her designee(s).

168B.035 TOWING AUTHORIZED.

Subdivision 1. **Towing authority.** For purposes of this section, "towing authority" means:

(1) any local authority authorized by section 169.04 to enforce the traffic laws, and a private towing company authorized by a local authority; or

(2) an authorized employee of the Department of Transportation's freeway service patrol within the department's eight-county metropolitan district.

Subd. 2. **Towing order required.** (a) A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing.

(b) Within the Department of Transportation's eight-county metropolitan district, an authorized employee of the department's freeway service patrol may order a tow from a trunk highway after preparing a written towing report provided by the Minnesota State Patrol. A citation need not be issued before the employee orders a tow.

(c) Except in cases where an accident or traffic hazard to the traveling public exists, the department employee shall ensure that if the tower requested to remove the vehicle by the owner arrives before the tower requested by the department, the tower requested by the owner is given the opportunity to actually conduct and complete all towing operations requested.

Subd. 3. **Towing prohibited.** (a) A towing authority may not tow a motor vehicle because:

(1) the vehicle has expired registration tabs that have been expired for less than 90 days; or

(2) the vehicle is at a parking meter on which the time has expired and the vehicle has fewer than five unpaid parking tickets.

(b) A towing authority may tow a motor vehicle, notwithstanding paragraph (a), if:

(1) the vehicle is parked in violation of snow emergency regulations;

(2) the vehicle is parked in a rush-hour restricted parking area;

(3) the vehicle is blocking a driveway, alley, or fire hydrant;

(4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;

(5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;

(6) the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;

(7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;

(8) the vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;

(9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;

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2

(10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission;

(11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;

(12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;

(13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;

(14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;

(15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;

(16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or

(17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under this chapter.

Subd. 4. **Quick clearance.** (a) For purposes of this subdivision:

(1) "road" includes the roadway, a lane for vehicular traffic, shoulder, on-ramp, and off-ramp of a street or highway, including a parkway; and

(2) "obstructions" includes motor vehicles, debris, personal property, and cargo.

(b) Within the Department of Transportation's eight-county metropolitan district, the department and the State Patrol may move, remove, or cause to remove obstructions from a road if:

(1) there has been a traffic incident involving a collision, accident, or spilled load;

(2) the obstructions block a road or aggravate an emergency on a road; and

(3) the department cooperates with the State Patrol and private towing or recovery companies authorized by the State Patrol concerning towing of the vehicle and removal of other obstructions.

(c) The State Patrol shall make a reasonable effort to contact the owner of the motor vehicle or other obstructions before undertaking an action under this subdivision.

(d) The department shall make a reasonable effort to allow the owner of the motor vehicle to arrange for its removal, taking into account any time delay and safety issues, and shall give due consideration to having the vehicle towed by a licensed towing service capable of safely moving the vehicle.

(e) Towing charges accrued by the owner or owners of the vehicle must be reasonable for the type of vehicle removed and the circumstances surrounding its removal.

Subd. 5. **Private property.** This section does not restrict the authority of the owner of private property to authorize under chapter 168B the towing of a motor vehicle unlawfully parked on the private property.

Subd. 6. **Damages.** The owner or driver of a motor vehicle towed in violation of this section is entitled to recover from the towing authority the greater of \$100 or two times the actual damages sustained as a

result of the violation. Damages recoverable under this subdivision include but are not limited to costs of recovering the vehicle, including time spent and transportation costs.

History: 1989 c 256 s 1; 1990 c 503 s 1; 1992 c 580 s 1; 1994 c 536 s 19; 1995 c 137 s 10-12; 2005 c 56 s 1; 2008 c 287 art 1 s 42,43; 2010 c 351 s 27,28; 2012 c 287 art 3 s 64; 2014 c 273 s 1

168B.04 AUTHORITY TO IMPOUND VEHICLES.

Subdivision 1. **Abandoned or junk vehicles.** Units of government and peace officers may take into custody and impound any abandoned or junk vehicle.

Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 168B.035.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 168B.035:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately;

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

(iv) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours;

(iv) that is private, nonresidential property of an operator of an establishment for the servicing, repair, or maintenance of motor vehicles, five business days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property; or

(v) that is any residential property, properly posted, immediately.

History: 1971 c 734 s 4; 1995 c 137 s 2; 2004 c 224 s 5; 2008 c 287 art 1 s 32; 2012 c 287 art 3 s 64

394.27 CREATION AND DUTIES OF BOARD OF ADJUSTMENT.

Subdivision 1. **When controls adopted.** Whenever a board of county commissioners shall have adopted official controls it shall at the same time as the adoption of such controls create a board of adjustment by ordinance.

Subd. 2. **Procedure, qualifications.** The board of adjustment shall consist of at least three but not more than seven members, including at least one member from the unincorporated area of the county, whose appointment, term of office, or removal from the board shall be as provided in the ordinance creating the board of adjustment; provided that no elected officer of the county nor any employee of the board of commissioners shall serve as a member of the board of adjustment and that one member of such board of adjustment shall also be a member of any planning commission appointed under the provisions of sections 394.21 to 394.37. In an ordinance creating a three-member board of adjustment, provision may be made for one alternate member. The alternate board member shall, when directed by the chair, attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chair. The chair shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged. In the ordinance establishing the board of adjustment provision may be made for removal of any member for nonperformance of duty or misconduct in office and for the filling of vacancies for any unexpired term. The regular and alternate members of such board of adjustment may be paid compensation in an amount determined by the county board and may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.

Subd. 3. **Officers.** The board of adjustment shall elect a chair and vice-chair from among its members and shall appoint a secretary who need not be a member of a board. It shall adopt rules for the transaction of its business and shall keep a public record of its transaction, findings, and determinations.

Subd. 4. **Meetings.** The meetings of the board of adjustment shall be held at the call of the chair and at such other times as the board in its rules of procedure may specify.

Subd. 5. **Authority.** The board of adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map, and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state. In exercising its powers under this subdivision, the board of adjustment shall take into consideration the town board's recommendation when the board of adjustment's decision directly affects land within the town.

Subd. 6. **Appeals.** An appeal from any order, requirement, decision, or determination of any administrative official shall be taken in such time as shall be prescribed by the ordinance creating the board of adjustment by filing with the board of adjustment a notice of appeal specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within a reasonable time which shall be defined in the ordinance establishing the board of adjustment. An appeal stays all proceedings in furtherance of the action appealed from unless the board of adjustment to whom the appeal

is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. The board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the board's decision shall be stated in writing.

Subd. 7. Variances; practical difficulties. The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subd. 8. Filing orders. A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be recorded with the county recorder or registrar of titles. The order issued by the board of adjustment shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of this subdivision.

Subd. 9. Appeal to district court. All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

History: 1959 c 559 s 7; 1963 c 692 s 5; 1974 c 571 s 23-29; 1976 c 181 s 2; 1978 c 786 s 13; Ex1979 c 2 s 40; 1981 c 356 s 248; 1984 c 392 s 1; 1986 c 444; 1987 c 312 art 1 s 10 subd 1; 2005 c 4 s 97; 2011 c 19 s 1

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462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

ATTACHMENT C

CHAPTER 907

REGISTRATION OF RESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS AND VACANT BUILDING REGISTRATION

SECTION:

907.01: Purpose

907.02: Definitions

907.03: Registration Requirements

907.04: Expiration of Registration

907.05: Fees

907.06: Manner of Registration.

907.07: Notice to Tenant, Requirement to Post

907.08: Exemptions

907.09: Registration Suspensions and Revocation

907.10: Violation

907.11: Appeals

907.12: Maintenance of Records

907.13: Authority

907.14: Applicable Laws

907.15: Rules, Policies and Procedures

907.16: No Warranty by the City

907.17: Severability

907.01: PURPOSE:

The City recognizes a need for an organized registration program of vacant buildings and residential rental property with 1 to 4 units within the City in order to:

- A. Gather accurate contact information for property owners of vacant buildings and residential rental properties; and
- B. Provide educational materials to property owners and occupants of vacant buildings and residential rental properties; and
- C. Identify and quantify these properties and units in the City; and
- D. Provide information and a method to enforce minimum standards to meet City and State safety, health, fire, property maintenance and zoning codes within the City; and
- E. Provide a more efficient system to ensure that the stock of vacant buildings and residential rental property within the City is properly maintained.

The City recognizes that the most efficient system to provide information on the rental status of certain residential properties is through the creation of a program requiring the registration of residential rental property with 1 to 4 units and vacant buildings within the City.

ATTACHMENT C

40 907.02: DEFINITIONS:

41 As used in this chapter, the following words and terms shall have the meanings ascribed to them
42 in this section:

- 43 A. City: The City of Roseville, or the person or entity designated by the City to administer
44 and enforce this Chapter.
- 45 B. Family: Shall mean one of the following: (City Code Section 1001.10)
- 46 1. Any group of people living together as a single housekeeping unit, all of whom
47 are related by blood, marriage, or adoption plus children who are under foster
48 care; or
- 49 2. Up to four people not so related, living together as a single housekeeping unit; or
- 50 3. Any group of people living together as a single housekeeping unit, if no more
51 than two adult members function as the heads of the household group and the
52 remaining members are dependent upon them for care and direction due to age,
53 physical disability, a mental incompetency, or for other reasons; or
- 54 4. Any individual, who is the owner, living and maintaining a common household
55 and using a common cooking and kitchen facility.
- 56 C. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the
57 property. In any corporation or partnership, the term owner includes general partners and
58 corporate officers.
- 59 D. Person: Includes individual, as well as, business entities, whether one or more.
- 60 E. Rent: Includes money or services in exchange for occupation of the unit.
- 61 F. Residential rental property: Any building, structure, room, enclosure, or mobile home
62 with 1 to 4 units including the real property upon which it is located and which surrounds
63 it, which is rented or offered for rent as living quarters. Residential rental property does
64 not mean on-campus college housing, hospital units, nursing home units, multiple rental
65 property over 4 units or hotels or motels with daily rental units, all of which shall be
66 specifically exempt from registration under this Chapter.
- 67 G. Unit: All or a portion of a residential rental property that is arranged, designed, used, or
68 intended to be used as separate living quarters and which is leased to an individual or
69 group.
- 70 H. Vacant Building: A building or structure which actually has been or expected to be
71 unoccupied for 180 consecutive days.
- 72

73 907.03: REGISTRATION REQUIREMENTS:

74

75 A. Residential Rental Property - Except as provided in Sections 907.06(1) and 907.08, it
76 shall be unlawful for any person to hereafter occupy, allow to be occupied, or let to another
77 person for occupancy any residential rental property of 1 to 4 units within the City for which
78 an application for registration has not been properly made and filed with the City or after the
79 time that a registration is suspended or revoked. Registration shall be made upon forms
80 furnished by the City for such purpose and shall specifically require the following minimum
81 information:

- 82 1. Name, street address and phone number of the property owner.

ATTACHMENT C

- 83 2. The name, street address, and phone number, of any person authorized to make or
- 84 order repairs or services for the property, if in violation of City or State Codes, if
- 85 the person is different than the owner.
- 86 3. The street address of the rental property.
- 87 4. The type of units within the rental property (single family, twinhome, townhome,
- 88 condo, duplex, triplex or fourplex).
- 89 5. The number of bedrooms and bathrooms in the unit.
- 90 6. Certification and attestation that the maximum occupancy per unit is either 4 or
- 91 less unrelated adults or one family pursuant to Roseville City Codes 906.06 and
- 92 1001.10.

93 B. Vacant Buildings – The property owner of record or other responsible party must register
94 a vacant building with the City within 30 days of the building becoming vacant. Registration
95 shall be made upon forms furnished by the City for such purpose and shall specifically
96 require the following minimum information:

- 97 1. Name, street address and phone number of the property owner.
- 98 2. The name, street address, and phone number, of any person authorized to make or
99 order repairs or services for the property, if in violation of City or State Codes, if
100 the person is different than the owner.
- 101 3. The street address of the property that the vacant building is located on.

102 **907.04: EXPIRATION OF REGISTRATION:**

- 103 A. Term: All registrations issued under this Chapter are effective upon issuance and shall
- 104 expire one year (365 days) from date of issuance. All required renewal registration
- 105 application materials shall be received and submitted prior to the expiration date.
- 106 B. Late fee: Any renewal registrations submitted 30 days after expiration will be considered late
- 107 and subject to fee penalties.
- 108 C. Violation: Any registration not renewed 60 days from expiration will be considered in
- 109 violation of this ordination. Renters will not be allowed to occupy a property if the renewal
- 110 registration is not received within 60 days after expiration.
- 111
- 112
- 113

114 **907.05: FEES:**

- 115 A. There shall be a registration fee and late renewal fee as established by the City Fee
- 116 Schedule in Section 314.05. All fees and fines shall be charged to and payable by the
- 117 property owner.
- 118 B. Residential Rental Properties and vacant buildings in violation of this ordinance may be
- 119 subject to administrative fines, in addition to any other fees or penalties per Section
- 120 907.10 or other applicable sections of City Code.
- 121
- 122

123 **907.06: MANNER OF REGISTRATION:**

- 124 A. An owner who has an existing rental property or vacant building, as defined by this
- 125 Chapter, that is not already registered must apply for registration pursuant to this Chapter
- 126 no later than 60 days following the effective date of this Chapter.
- 127

ATTACHMENT C

- 128 B. An owner of a property that after the effective date of this Chapter wishes to convert the
129 property into a rental property, shall apply for and register the property prior to its
130 conversion.
- 131 C. If there is a change in the type of occupancy from the type stated on the registration form,
132 a new registration form shall be filed within 30 days of the change.
- 133 D. When a previously registered property is sold, the new owner shall register within 30
134 days of the sale, if the property continues to be a residential rental property.
- 135
136

907.07 NOTICE TO TENANT, REQUIREMENT TO POST:

- 138
139 A. The owner or its agent must post, in accordance with the instructions provided by the
140 City, in each rental unit a current copy of the Registration Certificate provided by the
141 City upon registration. This certificate shall specifically include the following minimum
142 information:
- 143 1. The street address of the registered property; and
 - 144 2. The name, street address, and telephone number of either the owner or the
 - 145 3. The expiration date of the registration; and
 - 146 4. Information about how to access the *Landlord and Tenants Rights and*
147 *Responsibilities Handbook* provided by the Minnesota Attorney General.
- 148

907.08 EXEMPTIONS:

- 149
150
151 A. All owners of residential rental properties and vacant buildings are required to register their
152 properties according to Section 907.06, however, the following property owners are exempt
153 from the registration fee and the requirement to post a registration certificate:
- 154 1. Owners of residential rental properties where all renters residing in the rental
155 property are related to the owner as a parent, child, sibling, grandparent,
156 grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the
157 owner or agent affirms in the registration that each of the renters is one of these
158 relations.
 - 159 2. Owners of residential rental property licensed by the State of Minnesota as a
160 group home and used as such. The owner or agent must provide the current
161 license number on the registration form.
 - 162 3. Property owners who leave their otherwise occupied residential buildings, on a
163 temporary basis, to reside elsewhere seasonally with the intent to re-occupy
164 their building may be exempt from registration requirements with proper
165 verification. These same property owners may elect to provide voluntary
166 registration.
- 167 B. In all cases, an owner must notify the City in writing within 30 days if an exemption, as
168 described in this Chapter, is no longer applicable. (Ord. 1426, 6-18-2012)
- 169

907.09: REGISTRATION SUSPENSIONS AND REVOCATION:

170
171

ATTACHMENT C

- 172 A. A **rental** registration may be revoked or suspended at any time under this provision of this
173 chapter by the Community Development Director for grounds including, but not limited
174 to, the following:
- 175 1. False or misleading information given or provided in connection with a
176 registration application.
 - 177 2. Failure to maintain the residential rental property in a manner that meets
178 pertinent provisions of City Code including, but not limited to, Code
179 Chapters 407 and 906.
 - 180 3. Violations committed or permitted by the owner or the owner's agent, or
181 committed or permitted by the tenant or the tenant's guests or agents, of any
182 rules, codes, statutes and ordinances relating to, pertaining to, or governing
183 the premises including, but not limited to, the following:
 - 184 a. Minn. Stat. 609.75 through 609.76, which prohibit gambling;
 - 185 b. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and
186 acts relating thereto;
 - 187 c. Minn. Stat. 152.01 through 152.025 and 152.027, subs. 1 and 2, which
188 prohibit the unlawful sale or possession of controlled substances;
 - 189 d. Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic
190 beverages;
 - 191 e. Minn. Stat. 609.33, which prohibits owning, leasing, operating,
192 managing, maintaining, or conducting a disorderly house, or inviting or
193 attempting to invite others to visit or remain in a disorderly house;
 - 194 f. Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712
195 through 624.716 and Chapter 103 of the City Code, which prohibit the
196 unlawful possession, transportation, sale or use of weapon;
 - 197 g. Minn. Stat. 609.72, which prohibits disorderly conduct;
 - 198 h. Roseville City Code Section 407, prohibiting public nuisances, Section
199 405, noise control, Section 906, property maintenance, Sections 1004
200 and 1005, land use and Section 1018, parking; and
 - 201 i. Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224,
202 regarding assaults in the first, second, third, fourth and fifth degree.
- 203 B. A suspended or revoked **rental** registration may be reinstated when the circumstances
204 leading to the suspension or revocation have been remedied.
205

907.10: VIOLATION:

- 207
- 208 A. Misdemeanor: Except as provided in Sections 907.06(1) and 907.08, any person who
209 maintains a residential rental property **or vacant building** without having the property
210 registered, or after the registration for the property has been revoked or suspended, or
211 who permits new occupancy in violation of Section 907 is guilty of a misdemeanor and,
212 upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each
213 day of each violation constitutes a separate offense.
 - 214 B. Administrative fee: In addition to, or in lieu of, charging a misdemeanor, the City may
215 impose administrative fees in an amount set in the City Fee Schedule. Each day of each
216 violation constitutes a separate offense.

ATTACHMENT C

- 217 1. Upon the failure to pay an administrative fee, the City may post the dwelling unit
218 as illegal for habitation.
- 219 C. Prohibited occupancy: Pursuant to 907.10.B.1, the dwelling unit may not be occupied by
220 anyone other than the primary homestead owner and that person's immediate family
221 until:
- 222 1. The administrative fee has been paid; and
 - 223 2. A rental registration is obtained or the City is satisfied that the dwelling unit will
224 not be used as a rental dwelling unit; and
 - 225 3. Completion of any abatement, written compliance order, legal action from a
226 citation or action per City Code Sections 407.06, 407.07 and 407.08.

227 **907.11: APPEALS:**

- 228
- 229 A. An Appeal pertaining to any violation, suspension, or revocation decision addressed in
230 this Chapter may be filed by a vacant building or residential rental property owner.
- 231 1. The appeal shall be submitted to the City Manager within ten (10) calendar days
232 after the making of the order or decision being appealed.
 - 233 2. The appeal shall state the specific grounds upon which the appeal is made.
 - 234 3. The appeal shall be accompanied by the fee set forth in Chapter 314.
- 235 B. When an appeal is filed, a public meeting regarding the matter shall be held before the
236 City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held
237 within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments
238 and Appeals may consider any of the evidence that had previously been considered as
239 part of the formal action that is the subject of the appeal. New or additional information
240 from the appealing applicant(s) may be considered by the Board of Adjustments and
241 Appeals at its sole discretion if that information serves to clarify information previously
242 considered by the Community Development Director.

244 **907.12: MAINTENANCE OF RECORDS:**

245

246 All records, files and documents pertaining to the Rental Registration and Vacant Building
247 Program shall be maintained in the office of the City and made available to the public as
248 allowed or required by applicable laws, rules, codes, statutes or ordinances.

250 **907.13: AUTHORITY:**

251

252 Nothing in this Chapter shall prevent the City from taking action under any applicable rule,
253 standard, statute or ordinance for violations thereof and to seek either injunctive relief or
254 criminal prosecution for such violations as therein provided. Nothing contained in this
255 Chapter shall prevent the City from seeking injunctive relief against a property owner or
256 designated agent who fails to comply with the terms and conditions of this Chapter on
257 registration including an order prohibiting the occupancy of such rental units until violations
258 of this Chapter have been remedied by the property owner or designated agent.

260 **907.14: APPLICABLE LAWS:**

261

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262 Residential Rental Property and Vacant Buildings shall be subject to all applicable rules,
263 standards, statutes and ordinances governing use, maintenance and occupancy of the
264 dwelling or dwelling unit; and this Chapter shall not be construed or interpreted to supersede
265 any other such applicable rules, standards, statutes or ordinances.
266

267 **907.15: RULES, POLICIES, PROCEDURES:**

268
269 The City Council may adopt from time to time, by resolution, rules, policies and procedures
270 for the implementation of this Chapter. Violation of any such rule, policy or procedure by a
271 property owner shall be considered a violation of this Ordinance.
272

273 **907.16: NO WARRANTY BY THE CITY:**

274
275 By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the
276 City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or
277 suitability of any dwelling in the City. Owners or occupants should take whatever steps they
278 deem appropriate to protect their interests, health, safety and welfare. A warning in
279 substantially the foregoing language shall be printed on the face of the rental registration.
280

281 **907.17: SEVERABILITY:**

282
283 If any provision of this Chapter or amendment thereto, or the application thereof to any
284 person, entity or circumstance, is held invalid or unconstitutional by a court of competent
285 jurisdiction, the remainder of this Chapter shall remain in full force and effect and the
286 application thereof to other persons, entities or circumstances shall not be affected thereby.
287 (Ord. 1361, 3-17-2008) (1495, 2/22/2016)

**Regular City Council Meeting
Monday, September 17, 2018
Page 14**

Councilmember McGehee stated the item will be the Solar Panel discussion and the financial affect it would have on the City.

Recess

Mayor Roe recessed the meeting at approximately 7:34 p.m., and reconvened at approximately 7:37 p.m.

b. Discuss Amendments or Improvements to Code Enforcement practices to better address properties with repeat code violations

Code Official Dave Englund briefly highlighted this item as detailed in the RCA and related attachments dated September 17, 2018.

1. Vehicle Storage

Mr. Englund stated the City has received many requests to limit the number of vehicles on residential properties. Staff has reviewed other cities who have limits on vehicles and staff has tried to look at all aspects of this and how does the City limit a number, how does the City limit placement of vehicles on the property. In conversations with the City Attorney, it has been problematic to come up with specific numbers and how the City deals with them.

Mr. Englund reviewed the staff report with the Council. He noted one specific concern he has is if the City restricts parking on specific property, is that it would move onto the street that has less restrictions for duration, placement, etc.

Councilmember Laliberte asked how is "stored" defined as shown in the heading of this topic versus leaving and coming back.

Mr. Englund stated that definition of when a vehicle no longer becomes a vehicle and when it becomes a stored item is very problematic for the City to come up with. Originally, the City looked at their typical policy such as a storage pod that is put there for construction or a dumpster that is allowed for thirty days and could it be tied to that. At what point does it change from a vehicle to a stored vehicle is difficult to quantify.

Councilmember Etten felt there were two separate problems. One is the storage of vehicles and the other is a residence having a lot of vehicles. Those create different problems and enforcement issues. He wanted to make sure the Council is aware of that and the two issues may need to be addressed separately.

Councilmember McGehee stated there is another problem where the City has rental properties with massive number of vehicles. The City has limits but not a system to check on the number of vehicles and number of people living in the dwellings. She thought this does become a public nuisance.

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Mayor Roe reviewed public comment protocol. He noted the Council received a number of emails before the meeting from residents regarding this item.

Public Comment

Ms. Connie Wilmes, 396 Brooks

Ms. Wilmes stated her concern is with the cars that are stored, unused or never used, in her neighborhood. She thought there had to be a way to limit and regulate this. Over the years when she has worked with Roseville Code Enforcement regarding this, she had learned there is nothing in the books to enforce stored, unused vehicles in the City. She noted many of the people who store vehicles in the City know the requirements and make sure the vehicles are licensed and in working order. She thought the City could do surprise visits to the residences with stored cars and make sure the car starts. In her neighborhood, most of the stored vehicles would not be operable. This is a negative in their neighborhood, both for property value, for quality of daily life and she hoped a code would help change this. The people next to her had to reduce their price by \$25,000 in order to sell it due to all of the cars parked in the neighborhood.

Ms. Wilmes has asked the City Council to drive by to see the situation first hand. She understood there is some concern with residents who have many drivers and she wanted to make it clear in her neighborhood that is not the concern the neighbors have. She stated this is an eyesore and a negative in the community. Her request is for the City to pursue this and eliminate stored cars in their neighborhoods.

Mr. Jim Bull, 3061 Woodbridge Street

Mr. Bull stated his household has six vehicles that are all operated regularly, licensed, and fit within the driveway and garage. To be told a resident cannot have those six cars in their driveway would be wrong. The cars all have a purpose and are all used and licensed by the State. Some other problems he sees with this is if there are visitors that come over for a day or week with their vehicle parked in the driveway. As the Council looks at segments of their culture that have extended families or multi-generational, he thought a policy limiting this could get into the aspect of discrimination. He was in favor of regulating vehicles that do not work or are an eyesore but where people have operating cars that are regularly used, licensed vehicles or even classic cars being stored on the property.

Mayor Roe asked if the classic car is being stored in the driveway or the garage when not being used for part of the year. Mr. Bull stated it is usually stored in the driveway.

Mr. Dale Howey, 991 Parker Avenue

Mr. Howey stated he did not have an opinion until he came to the meeting. He gave examples of how different things can offend different people. He saw this as

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a slippery slope if the vehicle is operational, maintained and in the driveway. He thought this was a bit of an over reach and was sorry that some residents find other people's way of living offensive.

Mayor Roe closed the public comment and asked if the Council had any additional comments or questions for staff on the topic.

Councilmember McGehee stated Mr. Howey brought up an interesting point about at what point is repairing vehicles in the driveway become auto repair as a home small business. Certainly, cars that are parked, covered with sap and mold are clearly stored. She guessed it was one's choice on how to store their vehicles. She stated storage is an issue and the City tells people a lot of times what people can and cannot store on their property. She was not sure it was a slippery slope as some residents tend to believe.

Councilmember Willmus thought that whatever the City does will likely have an impact elsewhere. He asked if the City is going to force cars into the street and cause other issues. He thought a lot of these things are tied together and it goes so far as to what the City does to accommodate residents who want to store some of the vehicles indoors and their ability to have a larger garage and things like that. He stated from personal experience back in the early 2000's, he had a vehicle he used seasonally and had a large enough property where he was able to build a second detached garage in his rear yard but there were a lot of hoops to jump through to get that and to make that happen. He also has a household with five drivers, so he thought the City needs to find a way to get at the stored aspect of it because this does become an eyesore and does impact properties around it. That is where it goes from interfering with a neighbor's enjoyment of their property. That is where it comes to the Council and the Council has a role to step in and take a look at things. He did not know what the answer was, but he did know that whatever the City does, unless the Council looks at a much broader solution, it will have an impact elsewhere. The auto repair and storage aspect are something the City needs to continue to look at.

Councilmember Willmus stated in regard to rental properties, there might be some easy steps to take when the City looks at what is in place for rental registration and there are certainly things the City could put in place that limits vehicles that way on rental properties. He thought this is a bigger puzzle than it seems at the onset and will take the City a little bit of time to work through it.

Councilmember Laliberte agreed with the Council's comments. Starting with the rental, she noted the City does have a rental registration process and staff should be able to look at that with regards to vehicles and residents on that property. If that needs to be tightened up or something needs to be added in place staff should start to work on that with the Council.

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Councilmember Laliberte agreed that she did not want to push vehicles being stored onto the street surfaces. She thought the City should not be giving the resident three weeks to make the vehicle operable. The City should look at some ways to make sure that either the vehicle is truly operable or removed from the property.

Councilmember Etten stated at some level there would need to be some lead time between Code Enforcement and the resident to test a vehicle. He agreed the City did not need to give people three weeks to get a vehicle operating. There are certain properties in the City that are regularly in violation of City code. He thought the City needed to document the violations with photos and notes in order to uphold the code. He agreed this is a bigger puzzle that will not be solved immediately.

Mayor Roe asked staff, related to restore and repair of autos as a home occupation and as a land use violation, how is that dealt with in the Zoning Code.

Mr. Englund stated that is not allowed in the City. A person is allowed to change a tire or work on a vehicle for a brief amount of time but as a home occupation, it is not allowed in the City.

Mayor Roe asked if a resident could restore their own vehicle on their property. Mr. Englund stated if the vehicle is in disrepair it needs to be inside a structure and not in the driveway being repaired.

Mayor Roe asked getting to a mechanism in dealing with some of the issues, is it a possible way to look at this, especially with people who have a hobby of repairing or restoring vehicles of their own or collecting vehicles of their own, that there could be some sort of licensing and registration system with the City? He wondered if that would make any sense. The second part would be on the rental registration program, and how much ability does the City have to control vehicles.

City Attorney Gaughan in regards to the first question on registration or licensing, he asked what the purpose would be to license vehicles as well as what the trigger for enforcement would be. He stated that the City should think through not just how difficult it is to enforce but also what is the City going to do about the violators. City Attorney Gaughan opined that this is a problematic area and other cities do not enforce their codes because of these issues.

City Attorney Gaughan stated in regard to rental registration he was not aware of anything that attaches the number of vehicles to it.

Mayor Roe asked if staff could attach a number to the rental agreement. City Attorney Gaughan asked why the City would do that, would treat rental properties differently than owner-occupied residences, which is not advisable.

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Community Development Director Kari Collins stated from an administrative standpoint, the consumer nature of vehicles if a resident registers their collector vehicle with the City and the next year the resident sells it, it becomes a little bit of an administrative nightmare trying to chase down those vehicles. She stated there seems to be a shift towards families choosing to rent over owning and she would encourage whatever regulations the City chooses, that the threshold be the same for both owner-occupied and rental properties.

Councilmember Willmus stated with regard to someone restoring their classic car, he did not know that is where the problem is. He thought the City had a pretty good indication of where the issues are in the City. He thought the solution is broader than what is being shown and that it was multi-faceted. The City is going to have to look at off street parking and perhaps at a City-wide number. He would have an issue of becoming so restrictive that the City is not allowing individuals to have licensed vehicles that do only use them seasonally. He thought what the City needs to define is what is considered stored.

Councilmember McGehee stated when the City talks about health, safety, and welfare, it is a welfare issue if the price of a resident's house is forced down by a neighboring property. She thought this is not something that should be set aside because it is a difficult problem to solve.

Mayor Roe asked if this item is something the Council wants to defer to the people in the community, some sort of task force to help bring forward a policy to enforce.

Councilmember Etten thought staff should be given an opportunity to put together a policy. He thought the Council came to the conclusion of researching a policy regarding vehicles that are stored on properties indefinitely. He thought that narrowed the scope on what staff needed to address.

Councilmember Laliberte agreed. She stated if there is enforcement to be done, it be done by the City's current team and not done by the City Police Department.

Mayor Roe asked if the City wanted to look at something in terms of limiting the location where vehicles in general are allowed to be stored in a driveway.

Mr. Englund stated that is currently in code. Vehicles are currently prohibited from being parked in the right-of-way. He asked if the vehicle is moveable and the resident agrees to move the vehicle when the City needs to access the right-of-way, is that a concern for the City Council.

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Mayor Roe asked if the City can state there cannot be any storage of vehicles in the right-of-way if the City defines storage, even if it is moveable. Mr. Englund believed it is in code already that nothing can be stored in the right-of-way.

2. Enhancement to 2018 Neighborhood Enhancement Program (NEP) /Proactive Code Enforcement

Mr. Englund reviewed the staff report with the Council. He stated using the door hanger for compliance violation notification has been well received and has yielded a compliance rate of over 80%. He thought if the City could expand the neighborhood enhancement program to meet resident perception, that Code Enforcement covers the entire City every year, that may be a way to uniformly proactively inspect the entire City in a season to address the repeat item where most of them are three years later where the City would be coming back to the same neighborhood.

Mr. Englund felt if Code Enforcement was to do the entire City over a season that would reduce a lot of the code compliance cases staff gets on a reactive basis. Code Enforcement would be addressing them before it comes to a level where residents would want to call in to complain. In addition, the City could look at repeat nuisance ordinances and expanding the time frame it is able to be used. Currently it is three violations within a one-year period. A longer time frame may reduce the number of repeat properties the Code Department sees. With the Proactive through NEP the City does see a higher rate of rental properties with have issues. He stated approximately one percent of the properties in Roseville are rental, but the City has about thirty percent of the code compliance cases are on the one percent rental properties. It is a significant area that has more issues.

Mayor Roe asked if there was a financial impact to inspect the whole City.

Mr. Englund did not believe there would be in regard to what the EDA currently funds. What may need to happen is the City may need to use an additional seasonal inspector for the City building code inspections. That would be funded through community development through building permits. Typically, and historically, the inspector for NEP has been funded by the NEP and the Community Development Department because it was not a position that could be staffed for one purpose year round.

Mayor Roe asked if the EDA levies for the NEP mitigation annually, so the levy would be \$100,000 annually. Part of this pays for the inspections and part of it pays for the mitigation if the City does an accelerated abatement. Mr. Englund stated that is under a separate fund and the EDA is an existing balance. The City does not levy for that, only for the inspections and the NEP part of it.

Councilmember Willmus stated the City has permit fees that are established and directly tied to what that item is that the permit is being pulled for. He asked how

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is the City going to use permit fees to broaden the City-wide expansion. Mr. Englund stated it would only be the permits that are not State Building Code related, which is where the City would allocate that inspector's time and only inspecting the Zoning Code Permits, signed permits that are not required to maintain a State Code.

Councilmember Willmus stated with the success of the one-third rolling every 3 years, there is a high compliance rate. He did not see the benefit of going to a full City-wide inspection based on some of the numbers staff is throwing out to the Council. If the City knows where the properties are, then perhaps there is a different tactic that can be taken. He did not know if the Council would be properly allocating resources to go citywide when the City knows it is a very small fractions of the properties the City is having issues with.

Councilmember Etten concurred. He thought the success with using door hangers this year was fantastic. If this is creating enough efficiency, then maybe Code Enforcement should go to half of the City and then look at the proactive visit to look at the top ten to fifteen properties that are going to fit in an expanded time zone of recurring code violations. Otherwise, he would stick with a third of the City and get after the code violators. That would be his priority.

Councilmember McGehee agreed and stated she liked the door hangers and felt the door hangers worked very well.

Mayor Roe liked the idea of covering half the City each year because Code Enforcement is getting to all of the City within two years rather than three. He thought three years gets to be a pretty long time and he understood where it can become an issue. He did want to voice some support on extending the nuisance to three violations in a two-year period, which might coincide with covering the City in two years.

Councilmember Laliberte stated she liked the idea of every other year doing a portion of the City so if staff can take the efficiencies that have been found and do half of the City one year and the other half the next year. She also agreed with Councilmember Etten in that Code Enforcement does need to be going back to the problem neighborhoods because it is a different approach.

Mr. Englund stated what brings Code Enforcement back to a specific property.

Mayor Roe thought the City needed to establish a policy that is not being seen as targeting individuals, but still is proactive.

3. Create Vacant Property Registry

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Mr. Englund reviewed the topic with the Council. He suggested adding into the Rental Registration Ordinance a requirement for when a building is vacant that it is registered so the City has a contact.

Mr. Englund reviewed several cities programs and the fees charged.

Councilmember Willmus asked if the vacant property would need to have some sort of structure on it. Mr. Englund stated it would not.

Councilmember Willmus asked if a resident had a property without a structure next to their residence would the person need to register that. Mr. Englund stated the person would if it was a separate address.

Councilmember Willmus thought that the City needed to be careful. This is something he would be willing to look at but thought this may be something not needed and overboard. He stated the City needs to be aware and cognizant of that. Frankly, he felt a vacant lot without a structure next to a home is an asset and not something that the City needs to go so far as to attempt to monitor that.

Mayor Roe asked in 2013-2014 when there were a lot of vacant properties in the City, how long did the City need to deal with the vacancy and did the City not get all the property contacts in order to be notified of violations.

Mr. Englund stated on several properties, the City did abatements after notifying posting the house without response. The contact back to the City was three to six months and by that time, the City addressed the nuisance condition.

Mayor Roe asked if the City solved the problem by doing the abatement. Mr. Englund stated that was correct.

Mayor Roe stated that may be the way for the City to resolve the issue.

Councilmember Etten stated he was in favor of this and he was okay if the City wants to exempt vacant lots that do not have a structure on it. Ideally, he hoped the City did not have a situation like the City had in 2008-2010 where the City had so many vacant properties. The City certainly has vacant properties and it allows the City to keep track of owners. He thought \$35 should be a minimum fee. He thought it makes it easier to enforce any code violations or problems the City has. He stated this works for the City rental properties, so he did not see why this would be a big deal for a vacant property. The process clarifies who the City communicates with about that process and ownership.

Councilmember Laliberte asked what the penalty would be if the owner did not register the vacant house.

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Mayor Roe wondered how the homeowner is going to know to register their vacant property with the City.

Ms. Collins stated the same argument can be made if there becomes nuisance issues, the City has to do the legwork to contact the owner. In terms of residential, she worked in a community that had this primarily for commercial purposes and as Mr. Englund suggested, it certainly starts the window on any non-conforming argument.

Councilmember Etten stated if people agree with having a rental license program he did not see any difference. The only difference he sees is that no one is in the house, which makes it less likely it will be cared for and harder to find the person.

Mayor Roe wondered how the City can let the property owners know about this proposed program.

Councilmember Etten thought the City could find out if a property is vacant is whether or not water is being used.

Councilmember Willmus thought the issue the City has with vacant property is being able to get a hold of the owner. Even if the City has the owner's information, he felt there will be the same issue of being able to contact them. The \$35 will probably come at the point the property is sold and not upfront. He stated he was intrigued by it and would be open to discussing it more but the focus for him would be on structures versus parcels of property.

Mayor Roe stated he would like to get more information from other communities who have this program to see how easy it was to implement and the compliance rate the cities have had. He stated he would be open to more discussion on this as well.

Councilmember Laliberte stated she would be open to further discussion but if it would be residential related, she would want it to be limited to a structure. She gets the benefit of this in a commercial situation, but she had the same reservation with the rental registration. She felt with rental, people are more likely to look into what the City requires of them than if only a vacant property. She did not know how the City is going to educate everyone to know that.

Councilmember McGehee suggested if the City wants to go forward with this, to ask staff to come up with something reasonable about what is vacant and what isn't.

Mayor Roe thought there needed to be a period of time associated with that as well.

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Public Comment

Mr. Jim Bull, 3061 Woodbridge Street

Mr. Bull stated he was against increasing the ordinances on City citizens and this is one more he sees as a burden. He stated a lot of people in Minnesota go south for the winter. He stated those properties will be vacant and he wondered if the property owner would need to register their properties as vacant. He wondered if this would become an annual fee for those part time residents in the City. He wondered how that would work. He understood there were some problem properties, but the City can't put the problem onto everybody and over tax them, over fee them, and over register them just because the resident fits into a category. The people that are walking away from the properties and leaving them vacant are not the ones that are going to be registering them. He asked the Council to take a look at all of the aspects of it and be fair, so people don't have to do things unnecessarily.

Mayor Roe closed the public comment and asked if the Council had any additional comments or questions for staff on the topic.

Mayor Roe thought it might make sense to have some sort of tracking of resources that have been associated with this over a period of time to see how this is impacting the workload of the department and costs.

Recess

Mayor Roe recessed the meeting at approximately 8:48 p.m., and reconvened at approximately 8:55 p.m.

c. Discuss City Campus Solar Proposals

Public Works Director Marc Culver briefly highlighted this item as detailed in the RCA and related attachments dated September 17, 2018.

Mr. Rich Ragatz and Mr. Chris Psihos with iDeal Engineering were at the meeting and made a presentation to the Council.

Councilmember McGehee stated she noticed the escalator is less than previous programs that the City has come before them, which is very good. She understood the life of the panels is between 25 to 40 years, but she also knew there is a declining capacity of them. She asked for more information on the panels being proposed and what their declining ability to produce energy is.

Mr. Psihos reviewed the panels with the Council.

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 04/15/2019
Item No.: 7.d

Department Approval

Janice Gundlach

City Manager Approval

Sam Truog

Item Description: Discussion Regarding the Environmental Review Worksheet Process
Established via Resolution 11198 in 2014

BACKGROUND

The following events provide the necessary background information relating to the establishment of the Environmental Review Worksheet process:

- August 13, 2001: The City Council adopted Resolution 9918 (attached) approving the Alternative Urban Area-Wide Review (AUAR) for the Twin Lakes redevelopment area.
- October 15, 2007: The City Council adopted Resolution 10563 (attached) approving an update to the AUAR for the Twin Lakes redevelopment area.
- October 8, 2012: The City Council adopted Resolution 11015 (attached) electing not to update the AUAR and instead implement a “Twin Lakes Environmental Review Policy”, which required all projects within the redevelopment area to undergo an Environmental Assessment Worksheet (EAW) and, if applicable, an Environmental Impact Statement (EIS). This policy required projects that didn’t meet statutory requirements for a mandatory EAW or EIS, to complete a voluntary EAW using discretionary authority under the same statute. Minutes from this meeting are attached.
- December 8, 2014: The City Council adopted Resolution 11198 (attached), which rescinded the Twin Lakes Environmental Review Policy, and instead created an Environmental Review Worksheet (ERW) that all projects within the redevelopment area would have to complete. The intention with the ERW was to streamline the environmental review process, with the worksheet very closely matching the EAW established by the Environmental Quality Board (a State agency). Minutes from this meeting are attached.

REQUEST

Staff would like to engage in a discussion with Council on whether the ERW process is serving the purpose it was intended. In creating the ERW process, the City essentially mirrored our worksheet against the questions that are posed in an official EAW. These questions involve basic project specifics, but also in-depth analysis on fish and wildlife resources, wells, underlying geology/landforms, water resources, contamination, air, noise, transportation, and visual impacts. The ERW, in addition to collecting this information, includes requiring applicants to send the information to various regulatory agencies, including the Department of Natural Resources, Natural Heritage, Non-Game Wildlife Program, U.S. Fish and Wildlife Service, Rice Creek Watershed District, and the Metropolitan Council Citizen-Assisted Monitoring Program. The ERW process also requires information and involvement of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, and Ramsey County. The actual worksheet is attached for reference.

Staff is requesting the Council consider rescinding this process for the following reasons:

- The ERW was established during a time when little development had occurred, causing a certain amount of uncertainty surrounding a variety of issues including traffic, contamination, storm water, etc.
- Many developments have occurred since 2014 that have established a transportation network, making assumptions about future projects easier to quantify. Additionally, City policy causes all new developments to conduct traffic studies.
- The Rice Creek Watershed District provides their own permitting and inspection process with regard to storm water.
- The remaining properties all have contamination issues and developers are entering the MPCA's Voluntary In-Clean Up program in order to secure no association determinations and liability assurances. The MPCA's VIC program requires preparation of a Response Action Plan specific to the development, including agency oversight during implementation and completion of a RAP Implementation Report. These steps ensure any environmental issues are appropriately addressed.
- The AUAR continues to be provided to redevelopers in Twin Lakes.
- The sites remaining for redevelopment had intensive past uses, including heavy truck/trailer storage/terminal uses, where the redeveloped end use in accordance with current zoning results in less intensive uses surrounding site coverage/disturbance, noise, and overall aesthetics.
- From a practical standpoint many of the reviewing agencies that applicants must contact per the ERW process do not even respond. This is because these agencies direct resources to projects they are obligated to respond to (such as permits, official EAW/EIS's, etc.)

The ERW has been used in the past for some early Twin Lakes developments, including Java Development (Aldi/Denny's) and TPI Hospitality (Home2Suites/Hampton). The AUAR was still in effect for Walmart. Due to the reasons bulleted above, recent developments such as Calyxt and McGough have gathered their environmental information from existing sources such as the MPCA Response Action Plans and from direct outreach to state agencies. While the ERW was not formally completed, sufficient information was gathered to fully understand the environmental impacts of each development.

It is of staff's opinion that requiring the ERW is duplication of existing efforts already being undertaken. Duplication of efforts creates additional cost to the development and extends the timeline to complete a project. Also, Roseville's zoning authority results in a less intensive use of the property that will improve many issues the ERW is intended to protect/address.

BUDGET IMPLICATIONS

None to the City.

STAFF RECOMMENDATION

Discuss the ERW process, and other related regulatory processes/permits that impact redevelopment in Twin Lakes and provide feedback to staff on the receptiveness of rescinding the ERW.

REQUESTED COUNCIL ACTION

Discuss the ERW process, and other related regulatory processes/permits that impact redevelopment in Twin Lakes and determine if it's appropriate to rescind the ERW for remaining projects in Twin Lakes. If the Council is interested in rescinding the process, staff will prepare the necessary resolution for adoption at an upcoming Council meeting.

84 Should the Council not be interested in rescinding the ERW, staff is seeking direction on whether to
85 require the Colder Products Company redevelopment to complete the ERW.

86

Prepared by: Janice Gundlach, Community Development Director

Attachments: A: City's Environmental Review Worksheet

B: Resolution 9918

C: Resolution 10563

D: Resolution 11015

E: Resolution 11198

F: 10-8-2012 City Council Meeting Minutes

G: 12-8-2014 City Council Meeting Minutes



ENVIRONMENTAL REVIEW WORKSHEET APPLICATION AND PROCESS

Overview: Environmental Review Worksheet (ERW) applications will be reviewed by City staff and discussed by a panel of City staff representing various departments (Development Review Committee - DRC) to determine adequacy prior to being placed on a City Council meeting docket for consideration and approval.

Application Deadline: This application has NO formal application deadline. Therefore, each application submitted will be processed as received.

Submission Requirements: The attached ERW application form must be completed and submitted in its proper sequence with all requested materials. Failure to submit all application materials may delay the review process described below. A separate document shall be submitted that contains all the required analysis as identified below.

Escrow Deposit: Because environmental review may involve a significant amount of research and analysis by staff and/or outside consultants, the applicant must deposit \$1,500 in escrow in addition to the application fee for an ERW. If the escrow is drawn down to \$500, the applicant will be required to replenish the account; unused escrow funds will be returned to the applicant after City Council action and receipt of final invoices from consultants.

Initial Review: ERW applications will be reviewed for completeness by City staff, and a determination of completeness will be provided to the applicant in the form of a letter within 10 days of the application submittal date. A letter in response to an *incomplete* application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, formal review of the application can occur.

Formal Review: ERW applications will be reviewed by the DRC and a summary of any applicable comments/concerns provided in the staff report presented to the City Council. Community Development staff will prepare a report along with the applicants' submittal (or the applicants' submittal will be posted online) summarizing the application, reviewing it against the specifics listed in the application and the Twin Lakes Alternative Urban Areawide Review (AUAR), and provide a recommendation for the City Council.



COMMUNITY DEVELOPMENT
 2660 Civic Center Drive ❖ Roseville, MN 55113
 Phone: (651) 792-7005 ❖ Fax: (651) 792-7070

ENVIRONMENTAL REVIEW WORKSHEET APPLICATION

- APPLICATION FEE: \$500**
 ESCROW: \$1500

Application fee should be made payable to City of Roseville upon submittal of completed waiver application.

Please complete the application by typing or printing in ink.

1. **Project title:** _____
2. **Proposer**
Company name: _____
Contact person's name/title: _____
Address: _____ *City/State/Zip:* _____
Phone number: _____ *Email address:* _____
3. **Project location:** *(Street address and/or Ramsey County Parcel Identification Number)*

4. Project description

- A. Provide a brief project summary (approx. 50 words)

- B. Provide a complete description of the proposed project and related new construction, including infrastructure needs. Emphasize: 1) construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes (solid or airborne), 2) modifications to existing equipment or industrial processes, 3) significant demolition, removal or remodeling of existing structures, and 4) timing and duration of construction activities.

- C. Project magnitude

Total project acreage	
Number and type of residential units	
Commercial building area (square feet)	
Other uses – specify (square feet)	
Structure height(s)	

D. Are future stages of this development including development on any other property planned or likely to happen? Yes No

If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.

5. Cover types: Estimate the acreage of the site with each of the following cover types before and after development.

	Before	After		Before	After
Wetlands			Lawn/landscaping		
Deep water/streams			Impervious surface		
Woods/forest			Storm water pond		
Brush/grassland			Other (describe)		

6. Permits and approvals required: Provide a list all known local, state and federal permits, approvals, certifications anticipated to be required and any modifications of existing permits or governmental review of plans. List any financial assistance for the project being sought or anticipated for the project, include all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure.

7. Land use

A. Describe existing land use of the site as well as areas adjacent to and near the site.

B. Discuss the project's compatibility with nearby land uses listed in Item 7.A above, as well as Roseville's comprehensive plan, concentrating on implications for environmental effects.

C. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 7.B above.

8. Fish, Wildlife, and Ecological Sensitive Resources

A. Identify fish and wildlife resources and habitats on or near the site and describe how they would be affected by the project. Describe any measures to be taken to minimize or avoid impacts.

B. Are any state-listed (endangered, threatened or special concern) species, rare plant communities or other sensitive ecological resources such as native prairie habitat, colonial waterbird nesting colonies or regionally rare plant communities on or near the site? If yes, describe the resource and how it would be affected by the project. Indicate if a site survey of the resources has been conducted and describe the results. Contact and provide a copy of the response from the Minnesota Department of Natural Resources (DNR) Natural Heritage and the Non-Game Wildlife Program, as well as the U.S. Fish and Wildlife Service.

9. Water Use. Will the project involve installation or abandonment of any water wells, connection to or changes in any public water supply or appropriation of any ground or surface water (including dewatering)? If yes, as applicable, give location and purpose of any new wells; public supply affected, changes to be made, and water quantities to be used; the source, duration, quantity and purpose of any appropriations; and unique well numbers and DNR appropriation permit numbers, if known. Identify any existing and new wells on the site map. If there are no wells known on site, explain methodology used to determine.

10. Water-related Land Use Management Districts. Does any part of the project involve a shoreline zoning district, a delineated 100 year floodplain, of a state or federally designated wild or scenic river land use district. If yes, identify the district and discuss project compatibility with district land use regulations.

11. Geology, soils and topography/land forms

- A. Geology: Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.
- B. Soils and topography: Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to storm water runoff should be addressed in response to Item 9.B.ii.

12. Water resources

- A. Describe surface water and groundwater features on or near the site in A.i and A.ii below.
 - i) Surface water: lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current Minnesota Pollution Control Agency (MPCA) 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any. The Rice Creek Watershed District (RCWR) and the Metropolitan Council Citizen-Assisted Monitoring Program (CAMP) should be contacted to provide information on the lake.
 - ii) Groundwater: aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a Minnesota Department of Health (MDH) wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.
- B. Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item B.i through Item B.iv below.
 - i) Storm water: Describe the quantity and quality of storm water runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from storm water discharges. Describe storm water pollution prevention plans including temporary and permanent runoff controls and potential Best Management Practice (BMP) site locations to manage or treat storm water runoff. Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.

- ii) **Water appropriation:** Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.
- iii) **Surface Waters**
 - a) **Wetlands:** Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.
 - b) **Other surface waters:** Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.

13. Contamination/hazardous materials/wastes

- A. Pre-project site conditions:** Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan (RAP).
- B. Project related generation/storage of solid wastes:** Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.

- C. Project related use/storage of hazardous materials: Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.
- D. Project related generation/storage of hazardous wastes: Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.

14. Air

- A. Stationary source emissions: Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers, exhaust stacks, or fugitive dust. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.
- B. Vehicle emissions: Describe the effect of the project's traffic generation on air emissions. Discuss the project's vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.
- C. Dust and odors: Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under Item 11.A. Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.

15. Noise: Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

16. Transportation

- A. Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.

B. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system. If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared even if an EAW is not required. Use the format and procedures described in the Minnesota Department of Transportation's (MnDOT) Access Management Manual, Chapter 5 (available at: <http://www.dot.state.mn.us/accessmanagement/resources.html>) or a similar local guidance,

C. Identify measures that will be taken to minimize or mitigate project related transportation effects.

Note: The City may require a traffic study to satisfy compliance with this section. Please contact the Roseville City Engineer for further guidance.

17. Visual Impacts: Will the project create adverse visual impacts during construction or operation (such a glare from intensive lights, lights visible from wilderness areas or city park(s), and large visible plums of cooling towers or exhaust stakes) explain here.

18. Cumulative potential effects

A. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.

B. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.

C. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.

19. Other potential environmental effects: If the project may cause any additional environmental effects not addressed by items 1 to 18, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

20. Signature(s): By signing below, you attest that the information above and attached:

- Is accurate and complete to the best of your knowledge.
- Describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.

Proposer printed name: _____

Proposer signature: _____ *Date:* _____

**Extract of Minutes of Meeting of the
Roseville City Council**

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was duly held on the 13th day of August, 2001, at 6:30 p.m.

The following members were present: Klausing, Mastel, Goedeke, Maschka, Kysylyczyn and the following members were absent: None

Member Kysylyczyn introduced the following resolution and moved its adoption:

RESOLUTION NO. 9918

**A RESOLUTION FINALIZING AN AREA WIDE URBAN REVIEW (AUAR)
FOR THE TWIN LAKES BUSINESS PARK MASTER PLAN AND THE
MITIGATION PLAN FOR ADDRESSING ENVIRONMENTAL IMPACTS AS
IDENTIFIED IN THE AUAR
(Twin Lakes Business Park, PF3232)**

WHEREAS, on February 26, 2001, the City of Roseville City Council passed Resolution No. 9868, "A Resolution to Initiate the AUAR Process for Twin Lakes"; and,

WHEREAS, on April 23, 2001, the City Council conducted a regular meeting at which time it accepted the draft Twin Lakes AUAR and directed staff to make necessary minor revisions; and,

WHEREAS, on May 7, 2001, the City of Roseville submitted a draft AUAR for the Twin Lakes Master Plan to the Minnesota Environmental Quality Board (EQB) as required by Minnesota Rules Chapter 4410.1500 and 4410.3610, Subpart 5, for review from May 14, 2001 through June 13, 2001; and,

WHEREAS, on June 25, 2001 a public hearing was held to review the findings of the draft AUAR, comment letters received from state agencies and EQB, and a proposed Mitigation Plan to address environmental impacts outlined in the AUAR for the Twin Lakes Master Plan area; and,

WHEREAS, on June 26, 2001, the City of Roseville accepted the draft AUAR and the draft mitigation plan and submitted it to the Minnesota Environment Quality Board (EQB) for final review; and

WHEREAS, no additional comments were received by and from the member agencies of the Minnesota Environmental Quality Board (EQB).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Roseville, that the findings of the Alternative Urban Areawide Review and its Mitigation Plan for the Twin Lakes Master Plan are hereby finalized.

The motion for the adoption of the foregoing resolution was seconded by Member Klausung and upon vote being taken thereon, the following voted in favor thereof: Klausung, Mastel, Goedeke, Maschka, Kisylyczyn

and the following voted against the same: None

WHEREUPON said resolution was declared duly passed and adopted.

Q:\Planning Files\3232_TwinLakesRenewedPlan\AUAR and EAW\Resolution081301.doc

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 15th day of October, 2007, at 6:00 p.m.

The following members were present: Ihlan, Roe, Kough, Pust, and Klausing; and the following were absent: None.

Member Roe introduced the following resolution and moved its adoption:

RESOLUTION No. 10563

A Resolution Adopting the Alternative Urban Areawide Review (AUAR) Update for the Twin Lakes Business Park

WHEREAS, In August 2001, the City of Roseville acting as the Responsible Governmental Unit approved an Alternative Urban Areawide Review for the Twin Lakes Business Park Area;

WHEREAS, On June 20, 2006, the Roseville City Council unanimously approved a motion directing staff to take steps necessary to update the 2001 AUAR;

WHEREAS, On September 20, 2006, the Roseville City Council initiated the development of the AUAR Update by approving a motion to accept a contract with the consulting firm DSU (now Bonestroo) to assist the City in completing the update of the Twin Lakes AUAR;

WHEREAS, On August 27, 2007, the City Council released the final Draft AUAR Update to commenting agencies as required by Minnesota Rules Section 4410.3610 Subp. 5 D.;

WHEREAS, The City has responded to the comments provided by the state and regional agencies during the comment period; and

WHEREAS, Minnesota Rules Section 4410.3610 subpart 5 E states: "Unless an objection is filed in accordance with item D, the RGU shall adopt the revised environmental analysis document, including the plan for mitigation, at its first regularly scheduled meeting held 15 or more days after the distribution of this document."

NOW, THEREFORE, BE IT RESOLVED,

Pursuant to Minnesota Rules Section 4410.3610 subp. 5 E., the Twin Lakes AUAR Update shall be adopted by the Roseville City Council.

The motion for the adoption of the foregoing resolution was duly seconded by Member Pust, and upon a vote being taken thereon, the following voted in favor thereof: Roe, Pust, and Klausing;

and the following voted against the same: Ihlan and Kough.

WHEREUPON said resolution was declared duly passed and adopted.

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 8th day of October, 2012 , at 6:00 p.m.

The following members were present: Willmus, McGehee, Pust, Roe

and the following were absent: Johnson

Member McGehee introduced the following resolution and moved its adoption:

RESOLUTION No. 11015

Twin Lakes Environmental Review Policy

WHEREAS, the City of Roseville adopted the Twin Lakes Business Park Final AUAR Update on October 15, 2007; and

WHEREAS, Chapter 4410 (Environmental Review) of the Minnesota Administrative Rules require that an AUAR be updated every five years; and

WHEREAS, The City of Roseville desires that the Twin Lakes Redevelopment Area is subject to environmental review, documentation, and mitigation; and

WHEREAS, The City of Roseville desires to establish a policy the will ensure that continual environmental oversight covers the Twin Lakes Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, that

- 1) It is the stated policy of the City of Roseville that the Twin Lakes Redevelopment Area is subject to an Alternative Urban Areawide Review (AUAR) environmental study as defined in Chapter 4410 (Environmental Review) of the Minnesota Administrative Rules.
- 2) If an AUAR is not in place for the Twin Lakes Redevelopment Area and a proposed development exceeds the mandatory Environmental Assessment Worksheet (EAW) or Environmental Impact Statements (EIS) thresholds, the developer will be required to conduct the appropriate environmental review.

- 3) If an AUAR is not in place for the Twin Lakes Redevelopment Area, and a development is not required to do a mandatory EAW or EIS, a proposed development within the Twin Lakes Redevelopment Area will be required to conduct an Environmental Assessment Worksheet (EAW) as provided for in Chapter 4410.1000 (3)(A) (Discretionary EAWs) of the Minnesota Administrative Rules.
- 4) The preparation of the EAW shall be completed under the direction of the City and done by City Staff and/or City-hired consultants. All costs, including City review costs, for preparation of an EAW shall be borne by the developer. The developer shall deposit a sufficient cash deposit to cover the costs of the preparation, review, and completion of the EAW.
- 5) Developments approved prior to October 15, 2012 within the Twin Lakes Redevelopment Area are exempt from this policy. Development is deemed approved under this policy when all site plans have been approved by the City Community Development Department and all plats required for subsequent development have been approved by the City Council.

The motion for the adoption of the foregoing resolution was duly seconded by Member Willmus, and upon a vote being taken thereon, the following voted in favor thereof: Willmus, McGehee, Pust, Roe

and the following voted against the same: none.

WHEREUPON said resolution was declared duly passed and adopted.

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 8th day of December 2014, at 6:30 p.m.

The following members were present: Laliberte, McGehee, Willmus, Etten, Roe; and the following were absent: None.

Councilmember McGehee introduced the following resolution and moved its adoption:

RESOLUTION NO. 11198

A RESOLUTION SUPERSEDING and REPEALING RESOLUTION 11015, and REPLACING it with the ROSEVILLE ENVIRONMENTAL REVIEW WORKSHEET APPLICATION

WHEREAS, the City Council, on October 8, 2012, approved Resolution 11015 creating an environmental review policy for the Twin Lakes Redevelopment Area; and

WHEREAS, the City Council desires to modify the environmental review policy and process to afford more timely project review and approval of development proposals within Twin Lakes, while preserving the protection of the public; and

WHEREAS, the Roseville City Council directed the Planning Division to review and consider possible modifications to the Twin Lakes Environmental Review Policy, specifically in the area of a possible waiver and supportive environmental analysis; and

WHEREAS, the Planning Division has concluded that replacing the current review policy with a formal application process managed by City staff, reviewed by applicable State and County agencies, and approved by the City Council, is an advantageous and streamlined process that eliminates the timely formal Environmental Assessment Worksheet (EAW); and

WHEREAS, the Planning Division has created the Environmental Review Worksheet Application to replace the voluntary EAW and waiver process, which application includes required analysis of all sections contained in the Roseville AUAR and an EAW;

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby to supersede and repeal Resolution 11015, and replace it with the Environmental Review Worksheet Application subject to the following:

- a. All development proposals within the Twin Lakes Redevelopment Area shall be required to complete the Environmental Review Worksheet Application.
- b. The City Council may condition an approval of a plat (preliminary or final) to require the completion of the Environmental Review Worksheet at an earlier stage in the development process.
- c. The application shall include a fee and escrow established yearly by the City Council.

- d.* Upon completion of all required analysis, the Environmental Review Worksheet Application will be placed on a City Council meeting docket for review and approval.
- e.* Only upon approval of the Environmental Review Worksheet Application by the City Council, can an applicant and/or the development team submit applications for site improvements.

The motion for the adoption of the foregoing resolution was seconded by Member Willmus and upon vote being taken thereon, the following voted in favor thereof: Laliberte, McGehee, Willmus, Etten, Roe

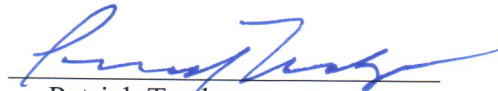
and the following voted against the same: None.

WHEREUPON, said resolution was declared duly passed and adopted.

State of Minnesota)
) SS
County of Ramsey)

I, undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 8th day of December, 2014 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 8th day of December, 2014.



Patrick Trudgeon
City Manager

Seal

Councilmember Pust opined that licensing was a right, not a privilege.

Mayor Roe opined that, whether mandatory or not, staff needed to seek legal advice on that.

Councilmember McGehee suggested that a final policy should be posted in the common area of each rental building.

Member Lee noted that that would be similar to HUD requirements.

Ms. Kelsey advised that the HRA and City Council needed to be aware that this program would have associated costs, since staff would need to be more involved; and it would take four (4) different departments or areas for that staff time to ensure a good program that reflected well on the City.

Mr. Trudgeon noted that the Police Department had been a very good partner in developing this program to-date and was fully supportive of the goals and objectives of the program, specifically from a public safety standpoint.

Chair Maschka thanked everyone for their feedback and tonight's discussion.

Mayor Roe concurred and thanked everyone as well.

11. Public Hearings

12. Business Items (Action Items)

a. Approve LHB Consulting as Lead Consultant for the Park and Recreation Renewal Program

As previously noted, this item was deferred to the next regular meeting.

b. Adopt Twin Lakes Redevelopment Area Environmental Policy

Community Development Director Patrick Trudgeon briefly summarized this proposed policy, as a result of the expiration on October 15, 2012, of the current Twin Lakes Alternative Urban Areawide Review (AUAR) environmental review document. The background of this item was detailed in the RCA dated October 8, 2012.

Councilmember McGehee opined that an Environmental Assessment Worksheet (EAW), whether discretionary or otherwise, is relatively easy and inexpensive; and suggested removing language making it an option for a business seeking not to perform an EAW the ability to come before the City Council for special consideration.

At the request of Councilmember McGehee, Mr. Trudgeon confirmed that there was not sufficient in-house staff to perform this review, and planned to hire it out, but controlled by the City.

Discussion ensued among Councilmembers on language of the proposed policy, with the consensus being to remove a portion of the final sentence in Item 3, and complete removal of Item 5 of the proposed policy, and reformatting the policy accordingly.

McGehee moved, Willmus seconded, adoption of Resolution No. 11015(Attachment A) entitled, Twin Lakes Environmental Review Policy;" *amended as follows:*

- ***Item 3 will read:***
"If an AUAR is not in place for the Twin Lakes Redevelopment Area, and a development is not required to do a mandatory EAW or EIS, a proposed development within the Twin Lakes Redevelopment Area will be required to conduct an Environmental Assessment Worksheet (EAS) as provided for in Chapter 4410.10000 (3) (A) (Discretionary EAW's) of the Minnesota Administrative Rules [unless waived by direct City Council action]."
- ***Current Item 5 to be stricken in its entirety; and Item #6 renumbered to Item 5.***

Roll Call

Ayes: Willmus; McGehee; Pust; and Roe.

Nays: None.

13. Business Items – Presentations / Discussions

14. City Manager Future Agenda Review

Acting City Manager Miller reviewed upcoming agenda items.

Councilmembers Willmus and Pust asked that these agenda previews be e-mailed to Councilmembers in the future rather than distributed at the end of each meeting.

Acting City Manager Miller advised that he would bring this request to the attention of City Manager Malinen at the next staff meeting.

Mr. Miller noted that, to the extent possible, the October 15, 2012, meeting was reserved for 2013 budget discussions, and would include those additional information items requested to-date by individual Councilmembers and the collective body.

Councilmembers noted the need to include the Memorandum of Understanding (MOU) discussed tonight in the joint meeting with the HRA; as well as the item 12.a deferred from tonight's meeting.

14. **Business Items – Presentations/Discussions**

a. **Request by the Community Development Department for Direction on the Creation of a Formal Voluntary Environmental Assessment Worksheet (EAW) Waiver Process for Projects Zoned Community Mixed-Use (CMU) in the Twin Lakes Redevelopment Area**

Community Development Director Paul Bilotta and City Planner Thomas Paschke were present to discuss this draft worksheet, as detailed in the RCA dated December 8, 2014. Mr. Bilotta explained that the worksheet actually mirrored pieces of a formal Environmental Assessment Worksheet (EAW), but where the City's Alternative Urban Area-wide Review (AUAR) indicated there was no issue it provided a level of review at a more cursory nature based on those lesser elements. Mr. Bilotta noted that the City Council could then determine where specific changes may be needed, mostly related to traffic issues, stormwater and hazardous waste materials onsite, along with any other elements that may be evident as well.

On page 5, #26 (Visual Impacts), Councilmember Etten asked for more information on what and how those visual impacts would be identified.

City Planner Paschke advised that it was taken from the existing AUAR and depended on how it was answered at that time.

Mr. Bilotta advised that it may vary depending on the actual location, and would be at City Council discretion to consider those issues for each project.

If someone proposed something that the City Council considered applicable, Councilmember Etten asked if applicants were then not required to repeat that analysis; opining that he thought the visual impact should be part of the preliminary review process.

Mayor Roe concurred, opining that, even if the answer in the AUAR process was "no," the City Council should still have the option of asking the question versus simply eliminating it.

Mr. Paschke responded that staff thought an applicant should answer every questions, depending on the location of the development, to determine if and how it was applicable, prior to the project being presented to the City Council for their review and consideration.

Mayor Roe opined that he preferred that the applicant answer ALL questions.

Councilmember Etten concurred, that he preferred them all included.

Regular City Council Meeting**Monday, December 8, 2014****Page 43**

McGehee moved, Willmus seconded, adoption of Resolution No. 11198 entitled, "A Resolution Superseding and Repealing Resolution no. 11015, and Replacing it with the Roseville Environmental Review Worksheet Application (PFOJ0032); as detailed in the RCA dated December 8, 2014; *similar in form to that provided as a draft (Attachment D)*.

Roll Call

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

Nays: None.

b. Discuss City Council and Staff Retreat

City Manager briefly summarized this discussion as detailed in the RCA dated December 8, 2014.

Councilmember McGehee suggested, if discussing personnel-related issues, could a portion of the retreat be held in Closed Session.

City Attorney Gaughan responded that the retreat could not be held in Closed Session; and clarified that such a Closed Session for the purpose of personnel review for someone directly under the authority of the City Council, could only be held if and when duly noticed. City Attorney Gaughan further clarified that, whether this was a City Council retreat or a regular meeting, it remained subject to all of the same Open Meeting Laws in accordance with applicable State Statute.

Councilmember Willmus stated that he was not really interested in hiring a facilitator; and if the retreat was agreed upon, would like it to focus on strategic planning or goal setting. Regarding public access to the meeting, Councilmember Willmus opined that, since it was a meeting of the City Council, access should be afforded to the public; but remained open as to whether through live broadcast or videotaping for later viewing. Councilmember Willmus based his concern in open access with that of former Roseville City Council Work Sessions that gave the perception of a closed environment, and therefore, made it difficult to determine the intent of meeting discussions. Councilmember Willmus stated that he was open to meeting during the middle of the workday if that proved more convenient for staff. Councilmember Willmus opined that the retreat did not require two days.

Councilmember Laliberte agreed that her vision of a retreat was for the purpose of goal setting, prioritization and proactive planning; and also did not see a need for a facilitator, as she was not in favor of spending money on a facilitator and/or another location. Councilmember Laliberte opined that the retreat should be recorded and should have meeting minutes; but was open to whether or not it was broadcast live or held on videotape for the archives. With enough prior notice as to the date and time, Councilmember Laliberte stated that she was supportive of a weekday retreat if it was easier for staff to attend, and advised that she could be

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 04/15/19
Item No.: 7.e

Department Approval

City Manager Approval



Item Description: Declare Vacancies on the Public Works, Environment and Transportation Commission

BACKGROUND

Commissioners Michael Kruse and Marty Kors have resigned from the Public Works, Environment and Transportation Commission (PWET). Commissioners are appointed to three-year terms. Both Commissioner's terms expire March 31, 2021

According to the City's appointment policy, when a vacancy occurs, the City Council establishes a deadline for receiving applications and the date of the council meeting to interview applicants. The time between the application deadline and the interviews will be no more than 30 days.

The Council also has the option to fill the unexpired portion of the term based on the following language of the Uniform Commission Code:

201.4: TERMS

- E. Vacancies: Vacancies during a term shall be filled by the City Council for the unexpired portion of a term. A vacancy occurs in any of the following circumstances: resignation, residence outside the city, removal or death. The City Council reserves the right to defer filling commission vacancies for any length of time deemed necessary.

Council recently interviewed 9 applicants for the PWET commission on March 11, 2019. Listed below is the Council tally sheet for those applicants which was previously included in the council packet when appointments were made at the March 25 Council meeting.

Commission
PWET
 1 vac, 3 yrs

Councilmember	Choice A	Choice B
<i>Etten</i>	Fergus	Huiett
<i>Groff</i>	Huiett	Morton
<i>Laliberte</i>	Hammer	Spencer
<i>Willmus</i>	Hammer	
<i>Mayor Roe</i>	Huiett	Sagisser
<i>Chair Cihacek (ref)</i>	Morton	

Council Tally:

Canterbury	0
Fergus	1
Hammer	2
Huiett	3
Morton	1
Sagisser	1
Spencer	1
Weber	0
Zierman	0

24

25

REQUESTED COUNCIL ACTION

26

Declare two vacancies on the Public Works, Environment and Transportation Commission with a term ending March 31, 2021. Set a deadline of May 17 for applications. Direct staff to advertise for applications to serve on the commission. Staff would schedule interviews for the June 3 Council meeting, with the Council making an appointment at the June 17 Council meeting.

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ALTERNATE COUNCIL ACTION

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Appoint one of the previously interviewed applicants to the remainder of one or both terms that expires March 31, 2021.

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Prepared by: Rebecca Olson, Assistant City Manager
Attachments: A. Appointment Policy
 B. Uniform Commission Code

Appendix C. Appointment Policy

CITY OF ROSEVILLE

REAPPOINTMENT PROCESS AND TERM LIMITS POLICY ROSEVILLE CITIZEN ADVISORY COMMISSIONS

BACKGROUND

The City of Roseville has seven standing Advisory Commissions: Ethics; Finance; Human Rights, Inclusion and Engagement; Parks and Recreation; Planning; Police Civil Service; and Public Works, Environment and Transportation; the City also establishes other advisory groups as needed.

POLICY STATEMENT

It is the intent of this policy to establish a fair and open notification and selection process that encourages all Roseville residents to apply for appointments.

PROCEDURE STATEMENT

I.

If a vacancy occurs because of resignation, death, moving from the City, removal from office, ineligibility for reappointment, etc., on any standing Advisory Commission, the following procedure will be used.

- A. When a Commission vacancy occurs the City Council, at a regular meeting, will establish a deadline for receiving applications and the date of the Council Meeting to interview the applicants. The time between the application deadline and the interviews will be no more 30 days.
- B. Commission vacancies will be advertised in the City's legal newspaper and, if different, the Roseville Review at least two times before the application deadline. Vacancies will also be advertised on Cable Television and posted on the City Hall Bulletin Board.
- C. Applications received after the deadline will not be accepted.
- D. Names of applicants and applications will be provided to the City Council and the public after the application deadline.
- E. If fewer applications are received than twice the number of openings, the City Council may establish a new application deadline and Council Meeting for interviews. If a new deadline is adopted, the vacancy will be re-advertised as described in "B": above.
- F. Applicants will be interviewed by the City Council. The Chair or the Chair's designee, of the Commission to which the applicant is seeking appointment will be invited to attend and participate in the interview process. Interviews are open to the public.
- G. If a new vacancy occurs after an application deadline and before an appointment is made, a new application process will be used as described in this procedure.
- H. The City Council will make the appointments at the first Council meeting following interviews.
- I. Advisory Commission Applications will be kept on file for one year. If during that year a vacancy occurs on any Commission, all applicants will be advised of the vacancy in writing.

II.

If a current Commission member's term is expiring and is eligible for reappointment, the following procedure will be used.

- A. No later than sixty days prior to the expiration of a term, each commission member whose term is expiring will be contacted in writing and directed to complete a written application for reappointment if they desire to be reappointed. For persons seeking reappointment, the Council will be advised of the attendance record of the individual whose term is expiring. The Council will also be provided with written comments from the Chairperson of the Commission regarding the reappointment of the individual. At that time, the Council will consider whether to interview the commissioner; if two councilmembers request, a commissioner seeking reappointment will be scheduled to attend an interview before the entire Council
- B. Should the Council determine that the individual merits reappointment, that person will be reappointed.
- C. Should the incumbent not wish to be reappointed or should the Council determine that the individual does not merit reappointment, the Council will follow the procedure for filling vacancies as described in I. above.

APPOINTMENT TO OTHER CITY ADVISORY GROUPS

The Council may use the procedure outlined in Sections I. and II. above for making appointments to other advisory groups, committees, task forces, etc.

TERM LIMITS

Members of all Advisory Commissions may serve a maximum of two full consecutive three-year terms. The Council may reappoint a person for a period not exceeding one additional year if the Council, by four-fifths vote determines that reappointment is in the best interest of such Commission and the City.

Appendix H . Uniform Commission Code

CHAPTER 201 Advisory Commissions

SECTION

- 201.1: Establishment
- 201.2: Purpose
- 201.3: Membership
- 201.4: Terms
- 201.5: Compensation
- 201.6: Organization
- 201.7: Meetings and Reports

201.1: ESTABLISHMENT

- A. All permanent standing advisory commissions to the City shall be established by adoption of an ordinance under this Title, and shall be governed by the provisions of this Chapter.
- B. From time to time, the City Council may elect to establish other advisory groups by adoption of a resolution establishing, among other things, the purpose, membership, organization, duties and term of service for such advisory groups.

201.2: PURPOSE

Advisory Commissions are established to provide a method for citizen input and are advisory to the City Council. No advisory commission shall have decision-making authority for the City, except as expressly established by this Code or by State Statutes.

201.3: MEMBERSHIP

- A. All members of advisory commissions shall be residents of the City and shall be appointed by majority vote of the City Council.
- B. In addition to the regular commission members, the City Council may appoint additional residents of the city who are the age of 18 or under and enrolled in high school, to serve one-year terms as ex-officio youth commissioners.

201.4: TERMS

- A. Term Length: Members shall serve terms of three years, except for youth members and the first members appointed following the creation of the commission. First members shall be appointed as follows: At least one third of members shall be appointed for three-year terms, up to one third of the members shall be appointed for two-year terms, and the balance of the members shall serve a one-year term. Term length for any member will be established by the Council at the time of the appointment.
- B. Oath of Office: Every appointed member, before beginning his or her duties shall take an oath stating that he or she will faithfully discharge of the duties of the commission to which he or she was appointed. Individual commissioners are expected to understand and adhere to the Roseville Ethics Code and attend the annual ethics training.
- C. Expiration of Terms: A member's term shall expire on March 31 of the year of the expiration of the term, or at such time as a successor is appointed.
- D. Term Limits: Members are eligible to serve two consecutive full terms on a commission in addition to any partial term served to complete an unexpired term resulting from a vacancy or an initial term upon creation of a commission. Upon completion of service on one commission, residents can be eligible for appointment to another commission, or after a period of at least one year, for appointment to the same commission on which they have previously served.
- E. Vacancies: Vacancies during a term shall be filled by the City Council for the unexpired portion of a term. A vacancy occurs in any of the following circumstances: resignation, residence outside the city, removal or death. The City Council reserves the right to defer filling commission vacancies for any length of time deemed necessary.
- F. Attendance: It is the expectation that Commissioners attend all meetings of the commission. An absence is considered the same whether it is excused or unexcused. If a commissioner is absent three consecutive meetings and/or misses a total of 30% or more of commission meetings in a rolling 12-month period, the staff liaison or commission chair will forward the information to the City Council.
- G. Removal: Members may be removed by the City Council without cause. A member's removal shall be by majority vote of the City Council. In addition:
 1. If a member fails to comply with the Roseville Ethics Code, the member may be removed by the City Council.
 2. If a member has absences from more than three consecutive commission meetings, or is absent from more than 30% of the meetings in any rolling 12-month period, the member may be removed by the City Council.

201.5: COMPENSATION

Members of all advisory commissions shall serve without compensation.

201.6: ORGANIZATION

- A. **Election of Officers:** At the last meeting preceding the end of regular terms of appointment, or at such other time as required by State Statutes, each advisory commission shall elect a chair and vice-chair from among its appointed members for a term of one-year and appoint a member to serve on the Ethics Commission as described in Chapter 207 of the City Code.
- B. **Governing Documents:** City Code and State Statutes will govern commission activities. A commission shall not adopt separate by-laws or rules to govern commission duties or activities.
- C. **Committees, Subcommittees and Task Forces:** Commissions may by majority vote appoint committees or subcommittees of their own members from time to time as required for the conduct of their business. The formation of any other committees, task forces and/or alternate workgroups would be subject to the provisions of this Chapter and shall be created only after approval of the City Council. Subcommittees shall report on work underway and completed on a regular basis to the full commission.
- D. **Logo and Materials:** To reflect the official nature of the commission and to preserve consistency of the City's brand, only the official city logo or a Council-approved derivative of the logo, that contains the words "City of Roseville," shall be used on commission materials.
- E. **Accessibility:** Commission members will be available to residents of the city by providing a preferred phone number or email address that can be used on the city website and/or on print materials.
- F. **Staff Liaison:** Each commission will be served by a staff liaison to assist in meeting planning and commission processes and serve as a conduit to city staff and the City Council.
- G. **New Commissioner Training:** New commission members will receive both general and commission-specific training from the staff liaison and commission chair before beginning their term.

201.7: MEETINGS AND REPORTS

- A. **Meeting Schedule:** Prior to the start of each calendar year, each commission shall adopt a regular meeting schedule for the coming year. Commissions may amend their regular meeting schedule, cancel meetings, or call special meetings as needed by majority vote at a regular commission meeting. A special meeting of a commission may be called by the commission chair and/or the City Manager between regular meetings after consultation and approval of both parties. Commissions shall meet at least quarterly, except as otherwise required by this Code or State Statutes.
- B. **Joint Meeting with City Council:** At least once a year, each commission shall meet with the City Council to report on the previous year's work and to discuss work plans and pending issues for the upcoming year. Commissions may request additional joint meetings with the City Council whenever necessary to share information or seek guidance. A staff liaison is assigned to assist each commission and will work with the City Manager to schedule any joint meetings.
- C. **Open Meeting Law and Data Practices:** All meetings of a quorum of a commission need to be properly noticed and shall be subject to the requirements of State Statutes section 13D, as applicable. Individual commissioners are expected to understand and adhere to applicable state laws and statutes. When a vacancy exists on a commission, a quorum shall consist of a majority of the commission's non-vacant seats.
- D. **Rules of Order:** All commissions shall be subject to the same Rules of Order as are adopted annually by the City Council.
- E. **Meetings:** Commission meetings shall be held in a public place and the time, date, and location of the meeting shall be publicly noticed. Commissions must allow time for public comment on each agenda item and at a Public Comment portion of the agenda at the beginning of each meeting. All meetings shall be televised and recorded for future reference. External site tours by a Commission shall be exempt from being televised, but such tours shall be publicly noticed as all other Commission meetings.
- F. **Minutes and Reports:** Commissions are required to keep a record of its meetings and actions available through the City, as well as other recommendations, reports, studies and other documents created or performed by or for a commission. Minutes of the meeting shall be detailed in the same way as the City Council minutes are written.