



City Council Agenda

Monday, August 7, 2023

6:00 PM

City Council Chambers

Members of the public who wish speak during public comment or an agenda item during this meeting can do so virtually by registering at www.cityofroseville.com/attendmeeting

(Any times listed are approximate – please note that items may be earlier or later than listed on the agenda)

6:00 p.m. 1. Roll Call

Voting & Seating Order: Etten, Schroeder, Groff, Strahan, and Roe

6:01 p.m. 2. Pledge of Allegiance

6:02 p.m. 3. Approve Agenda

6:03 p.m. 4. Public Comment

5. Recognitions and Donations

6:08 p.m. 6. Items Removed from Consent Agenda

7. Business Items

6:10 p.m. a. Hold a Public Hearing to Consider Approving a Liquor License for Smash Park

6:15 p.m. b. Consider Adoption of Ordinance to Amend Chapter 5 of City Code to Update References to Marijuana and to Prohibit the Use of Cannabis and Hemp in Public Places

6:45 p.m. c. Discuss Changes to City Code Chapter 316, Tetrahyrdocannabinol (THC) Products

7:05 p.m. d. Consider Adoption of an Ordinance to Amend Chapter 10 to Allow Display of Political Signs Prior to In-Person Voting

7:25 p.m. e. Discuss Hotel Licensing Ordinance

8. Council Direction on Councilmember Initiated Agenda Items

7:45 p.m. 9. Approval of City Council Minutes

a. Approve Minutes from July 17, 2023 City Council Meeting

b. Approve Minutes from July 17, 2023 EDA Meeting

7:50 p.m. 10. Approve Consent Agenda

a. Approve Payments

b. Approve 1 Temporary Gambling Permit and 2 Temporary Liquor Licenses

c. Receive Second Quarter Financial Report

d. Adopt a resolution approving the Danny Boy Estates final plat, and authorize execution of the Danny Boy Estates development agreement

e. Approve the Issuance of a Premise Permit for Minnesota Fastpitch Academy Foundation to Conduct Lawful Gambling Activities at 1744 Terrace Dr. (Bent Brewstillery)

f. Approve Be Active! Be Green! Bench Grant Agreement with Ramsey County

7:55 p.m. **11. Future Agenda Review, Communications, Reports, and Announcements
- Council and City Manager**

a. Future Agenda Review

8:00 p.m. **12. Adjourn**

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 7.a.

Department Approval



City Manager Approval



Item Description: Hold a Public Hearing to Consider Approving a Liquor License for Smash Park

Background

Under City Code, a public hearing is required to consider approving liquor licenses. The City has received applications for the following:

- Smash Park - On Sale w/ Sunday Sales
- Smash Park - Outdoor Endorsement

Policy Objectives

Required by City Code. The regulation of establishments that sell alcoholic beverages has been a long standing practice by the State and the City.

Racial Equity Impact Summary

There is no anticipated racial equity impact by approving this liquor license.

Budget Implications

The correct fees were paid to the City at the time the application was made, the remaining balance will be due prior to the issuance of the license.

Staff Recommendations

The applicant meets all requirements set forth under City Code. Staff recommends approval pending submittal of any outstanding items.

Requested Council Action

Motion to approve the Liquor License for Smash Park

Prepared by: Katie Bruno, Deputy City Clerk

Attachments: 1. Application



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
 445 Minnesota Street, Suite 1600, St. Paul, MN 55101
 Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License

Cities and Counties: You are required by law to complete and sign this form to certify the issuance of the following liquor license types: 1) City issued on sale intoxicating and Sunday liquor licenses
 2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License Roseville License Period From: _____ To: 12/31/2023

Circle One: New License License Transfer _____ Suspension Revocation Cancel _____
 (former licensee name) (Give dates)

License type: (check all that apply) ☒ On Sale Intoxicating ☒ Sunday Liquor ☒ 3.2% On sale ☐ 3.2% Off Sale

Fee(s): On Sale License fee: \$ _____ Sunday License fee: \$ _____ 3.2% On Sale fee: \$ _____ 3.2% Off Sale fee: \$ _____

Licensee Name: Smash Park Minneapolis LLC DOB _____
 (corporation, partnership, LLC, or Individual)

Business Trade Name SMASH PARK Business Address 1721 County Rdew City Roseville
 Zip Code 55113 County Ramsey Business Phone 913 231 5877 Home Phone _____

Licensee's Federal Tax ID # 88-3811204 Licensee's MN Tax ID# 8608332
 (To apply call IRS 800-829-4933)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:

- 1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license.
- 2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

☐ Yes ☒ No During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name: _____ Policy # _____

I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.

City Clerk or County Auditor Signature _____ Date _____
 (title)

ON SALE INTOXICATING LIQUOR LICENSEES ONLY, must also purchase a \$20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7507, or visit our website at <https://dps.mn.gov/divisions/age/Pages/default.aspx>

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 7.b.

Department Approval

City Manager Approval



Item Description: Consider Adoption of Ordinance to Amend Chapter 5 of City Code to Update References to Marijuana and to Prohibit the Use of Cannabis and Hemp in Public Places

Background

A new law was recently passed by the Minnesota Legislature that legalizes adult-use cannabis in Minnesota. The new law also creates a statewide regulatory framework for manufacturers, distributors, and retailers of cannabis products, establishes taxes on cannabis products, amends criminal penalties and expunges certain prior convictions related to cannabis.

Under the new law, adults over 21 will be able to legally use cannabis products starting on August 1. Specifically, the law allows cannabis and cannabis products to be used in a private residence and yard, on private property not generally accessible by the public, unless the owner of property prohibits the use of the products, and on the premises of an establishment or event licensed to permit onsite consumption. The Minnesota Clean Indoor Air Act, which prohibits smoking in virtually all indoor public places and indoor places of businesses, will apply to any use of cannabis or cannabis products in smoke, aerosol, or vapor form.

The law is silent on whether cannabis can be used in other public places, such as parks and sidewalks. As a result, the City Attorney has advised that the City pass an ordinance that specifically prohibits the smoking or use of cannabis and cannabis products in any indoor or outdoor area that is used or held out for public use by the public, whether owned by public or private interests. The only exceptions to this prohibition are the exceptions contained in the law mentioned above. The proposed ordinance amendment creates a new chapter in Title 5, Chapter 513 and is included as Attachment 1

As part of the work creating the ordinance amendment, the City Attorney noticed references to marijuana contained in Chapter 507 Drugs, Controlled Substances that should be removed from the City Code. These changes are also shown in Attachment 1.

The proposed ordinance has been posted for the required 10 days on the City website and is eligible for adoption by the City Council.

Policy Objectives

Local governments are delegated authority from the state to protect the public health, safety and general welfare of their residents. Implementing proper controls over the sale and use of adult-use cannabis will ensure that these goals are met.

Racial Equity Impact Summary

A major reason that the Minnesota Legislature legalized adult-use cannabis centered around racial equity. Studies have shown that there are some communities that have experienced a disproportionate, negative impact from cannabis regulation enforcement. For example, Black Americans are arrested for cannabis offenses at a rate of nearly 4:1 compared with whites. [ACLU. (2020, April 17). A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform. Retrieved from ACLU.org <https://www.aclu.org/news/criminal-law-reform/a-tale-of-two-countries-racially-targeted-arrests-in-the-era-of-marijuana-reform>). The new law decriminalizes possession of cannabis and expunges certain prior convictions related to cannabis. With that in mind, consideration should be given to the impact of a violation and subsequent fines and/or penalties the City may impose and how they may or may not impact various communities.

Budget Implications

Violations of this ordinance can be charged as a petty misdemeanor and the violator would be subject to a fine of up to \$300.

Staff Recommendations

Staff recommends adoption of the ordinance and ordinance summary as shown in Attachment 1 and 2.

Requested Council Action

Motion to approve the ordinance as shown in Attachment 1

-and-

Motion to approve the ordinance summary as shown in Attachment 2

Prepared by: Patrick Trudgeon, City Manager (651) 792-7021 pat.trudgeon@cityofroseville.com

Attachments:

1. Proposed Ordinance
2. Ordinance Summary
3. Bench Handout

City of Roseville
ORDINANCE NO. _____

AN ORDINANCE AMENDING
TITLE 5, AND CREATING SECTION 513

AN ORDINANCE AMENDING TITLE 5, CHAPTER 507 TO UPDATE
REFERENCES TO MARIJUANA, AND ESTABLISHING
CHAPTER 513 TO PROHIBIT THE USE OF
CANNABIS AND HEMP IN PUBLIC PLACES

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 5 Section 507 of the Roseville City Code is hereby
amended as follows:

CHAPTER 507 DRUGS, CONTROLLED SUBSTANCES

507.1 PROHIBITED DRUGS AND MARIJUANA:

- A. Possession: Except as authorized by Minnesota Statutes, section 152.01, et seq., as amended, no person shall possess or have in their possession or control any controlled substance.
- B. Controlled Substances: Controlled substances are defined as all of the substances listed in Minnesota Statutes section 152.02, as amended, ~~and also marijuana (cannabis sativa L).~~
- C. Automobiles: A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his/her person or keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, any controlled substance as defined above is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.
- D. Violations: Any person violating any of the subsections of this Section is guilty of a misdemeanor; further, upon a finding of guilty or a plea of guilty to any violation of this Section, the Court may

(Inserted language shown in underline, deleted language shown in ~~striketrough~~)

impose sentence pursuant to the provisions of Minnesota Statutes section 152.18, as amended, except that such period of probation may be for a period of up to one year. (Ord. 729, 4-29-74; amd. 1995 Code).

507.02 DRUG PARAPHERNALIA:

A. Definitions:

1. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes chapter 152, which includes, but is not limited to:
 - a. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - b. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
 - c. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
 - d. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 - e. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
 - f. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances.

85 ~~g. Separation gins and sifters used, intended for use or~~
86 ~~designed for use in removing twigs and seeds from or in~~
87 ~~otherwise cleaning or refining marijuana.~~

88
89 g. Blenders, bowls, containers, spoons and mixing devices
90 used, intended for use or designed for use in compounding
91 controlled substances.

92
93 h. Capsules, balloons, envelopes and other containers used,
94 intended for use or designed for use in packaging small
95 quantities of controlled substances.

96
97 i. Containers and other objects used, intended for use or
98 designed for use in storing or concealing controlled
99 substances.

100
101 j. Hypodermic syringes, needles and other objects used,
102 intended for use or designed for use in parenterally injecting
103 controlled substances into the human body.

104
105 k. Objects used, intended for use or designed for use in
106 ingesting, inhaling or otherwise introducing marijuana,
107 ~~cocaine, hashish or hashish oil~~ into the human body, such
108 as:

109
110 1) Metal, wooden, acrylic, glass, stone, plastic or ceramic
111 pipes with or without screens, permanent screens,
112 ~~hashish heads~~ or punctured metal bowls.

113
114 2) Water pipes.

115
116 3) Carburetion tubes and devices.

117
118 4) Smoking and carburetion masks.

119
120 ~~5) Roach clips, meaning objects used to hold burning~~
121 ~~material, such as a marijuana cigarette, that has~~
122 ~~become too small or too short to be held in the hand.~~

123
124 6) Miniature cocaine spoons and cocaine vials.

125
126 7) Chamber pipes.

127

(Inserted language shown in underline, deleted language shown in ~~strikethrough~~)

128 8) Carburetor pipes.

129
130 9) Electric pipes.

131
132 10) Air-driven pipes.

133
134 ~~11) Chillums.~~

135
136 11) Bongs.

137
138 12) Ice pipes or chillers

139
140 m. In determining whether an object is drug paraphernalia, a
141 court or other authority shall consider, in addition to all
142 the other logically relevant factors, the following:

143
144 1) ~~a.~~ Statements by an owner or by anyone in control of
145 the object concerning its use.

146
147 2) ~~b.~~ Prior convictions, if any, of the owner or of anyone
148 in control of the object of any State or Federal law
149 relating to any controlled substance.

150
151 3) ~~c.~~ The proximity of the object in time and space to the
152 direct violation of this Section.

153
154 4) ~~d.~~ The proximity of the object to controlled substances.

155
156 5) ~~e.~~ The existence of any residue of controlled
157 substances on the object.

158
159 6) ~~f.~~ Direct or circumstantial evidence of the intent of an
160 owner or of anyone in control of the object to deliver it
161 to persons whom the person in control knows, or
162 should reasonably know, intend to use the object to
163 facilitate a violation of this Section; the innocence of
164 an owner or of anyone in control of the object, as a
165 direct violation of this Section shall not prevent a
166 finding that the object is intended for use or designed
167 for use as drug paraphernalia.

168
169 7) ~~g.~~ Instructions, oral or written, provided with the
170 object concerning its use.

(Inserted language shown in underline, deleted language shown in ~~strikethrough~~)

8) ~~h.~~ Descriptive materials accompanying the object which explain or depict its use.

9) ~~i.~~ National and local advertising concerning its use.

10) ~~j.~~ The manner in which the object is displayed for sale.

11) ~~k.~~ Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of tobacco products.

12) ~~l.~~ Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

13) ~~m.~~ The existence and scope of legitimate uses for the object in the community.

14) ~~n.~~ Expert testimony concerning its use.

2. Other Terms: The terms "controlled substance", "manufacturing", "marijuana" and "person" are defined as specified in Minnesota Statute section 152.01 and any amendment thereto.

SECTION 2: Title 5 Section 513 of the Roseville City Code is established to read as follows:

CHAPTER 513 CANNABIS AND HEMP IN PUBLIC.

513.01 PROHIBITION OF USE IN PUBLIC

A. Definitions.

1. For purposes of this section, the terms “cannabis flower,” “cannabis products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.
2. For purposes of this section, “public place” is defined as any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “public place” does not include the

(Inserted language shown in underline, deleted language shown in ~~strikethrough~~)

214 following: (i) a private residence, including the person's curtilage or
215 yard; (ii) private property not generally accessible by the public; and
216 (iii) the premises of an establishment or event licensed to permit on-site
217 consumption of cannabis flower, cannabis products, lower-potency
218 hemp edibles, or hemp-derived consumer products.

219
220 B. Use of cannabis and hemp prohibited in public places.

221
222 No person shall use cannabis flower, cannabis products, lower-potency
223 hemp edibles, or hemp-derived consumer products in a public place. A
224 violation of this section shall be considered a petty misdemeanor
225 Notwithstanding any other penalty provision in the city code and is
226 punishable in accordance with Chapter 102 of this Code.

227
228 SECTION 3: Effective date. This ordinance shall take effect upon its
229 passage and publication.

230
231 Passed by the City Council of the City of Roseville this ____ day of _____, 2023.
232
233

234
235 **Signatures as follows on separate page:**

236
237 ***Ordinance – Title of Ordinance*** _____ -

238
239
240 (SEAL)

241
242
243 CITY OF ROSEVILLE

244
245
246 BY: _____
247 Daniel J. Roe, Mayor

248
249 ATTEST:

250
251
252 _____
253 Patrick Trudgeon, City Manager
254
255

City of Roseville
ORDINANCE SUMMARY NO. ____

**APPROVING PUBLICATION OF AN ORDINANCE SUMMARY OF
THE AMENDMENT TO TITLE 5 OF THE ROSEVILLE CITY CODE
SECTION 502 TO UPDATE REFERENCES TO MARIJUANA, AND
CREATING SECTION 512 TO PROHIBIT THE USE OF
CANNABIS AND HEMP IN PUBLIC PLACES**

SECTION 1: The City Council of the City of Roseville, on August 7, 2023, adopted Ordinance No. _____. Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps.

The City Council has determined that the following summary would clearly inform the public of the intent and effect of the ordinance.

SECTION 2: The following is the official summary of Ordinance No. _____ approved by the City Council of Roseville on August 7, 2023 and directs the City Clerk to publish the title and summary as follows in the official newspaper in lieu of the entire ordinance:

On August 7, 2023, the City Council of the City of Roseville adopted Ordinance No. _____, an ordinance: "Amending Title 5, Section 502 To Update References To Marijuana, And Establishing Section 512 To Prohibit The Use Of Cannabis And Hemp In Public Places." The Ordinance amends and deletes references to marijuana to adhere to newly enacted state law and adds a new section prohibiting the use of cannabis and hemp products in public places.

SECTION 3: A printed copy of the full ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

44 ATTEST:

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Patrick Trudgeon, City Manager

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50

51

CHAPTER 701 PARKS AND RECREATION

SECTION:

- 701.01: Definition
- 701.02: Use of Motor or Snow Vehicles
- 701.03: Prohibited Conduct or Activity

701.01: DEFINITION:

The word "park" when used in this Chapter shall mean any municipally owned or operated public park, open space, playground or golf course. (Ord. 534, 4-24-1967; amd. 1995 Code)

701.02: USE OF MOTOR OR SNOW VEHICLES¹:

- A. Operation of Vehicles: Except for authorized service vehicles, no person shall drive or operate any vehicle in any park except on roads, parking areas or such other areas designated by the Director of Parks and Recreation at a speed not to exceed 15 miles per hour.
- B. Parking of Vehicles: No person shall park any motor vehicle in any park except in designated parking areas. (Ord. 534, 4-24-1967; amd. 1995 Code)

701.03: PROHIBITED CONDUCT OR ACTIVITY:

The following regulations apply in all parks:

- A. No person shall light or make a fire except in places provided for such purposes.
- B. No person shall discharge any firearms or air guns². No person shall discharge or display any fireworks unless a permit is obtained from the City Manager³.
- C. No person shall use bows and arrows in parks and playgrounds except in areas designated for that purpose.
- D. No person shall scatter about or litter the grounds with any form of waste material.
- E. No person shall throw stones or rubbish of any kind in any lake, pond or watercourse nor bathe, swim or wade except in designated areas.
- F. No person shall affix or inscribe any handbill or poster on any structure or property in any park or any place, square or highway contiguous to any park. (Ord. 534, 4-24-1967)
- G. No person shall possess, display, consume or use intoxicating liquors as defined in Minnesota Statutes section 340A.101, subdivision 14. No person shall possess, display, consume or use non-intoxicating malt liquors as defined in Minnesota Statutes section 340A.101, subdivision 19, except in certain areas of

¹ See Title 6, Chapter 604 of this Code.

² See Title 5, Chapter 503 of this Code.

³ See Title 5, Chapter 504 of this Code.

Central Park. The permitted areas in Central Park shall be established by the Director or designee of the Parks and Recreation Department pursuant to permits issued on a case-by-case basis and upon conditions imposed by said permits. (Ord. 1111, 4-27-1992) (Ord. 1540 1-29-2018)

- H. No person shall disturb or interfere with any birds or animals kept or found in such park.
- I. No person shall be permitted to sell any article including food or drink unless such person shall have a permit, lease or concession granted by the City.
- J. No person shall play any game of baseball, football or other game except in areas provided for such game. (Ord. 534, 4-24-1967; amd. 1995 Code)
- K. No dogs shall be allowed except on leash, cord, or chain not more than six feet in length. This subsection does not apply to service animals accompanying a disabled person.
The owner or attendant of any animal must carry clean-up utensils and clean up and dispose of all feces in a sanitary manner. (Ord. 1168, 8-12-1996)
- L. City parks shall be closed between the hours of 10:00 P.M. and 5:00 A.M. unless otherwise posted. No person shall remain and no motor vehicle shall be left in the park between those hours unless special permission has been granted by the Director of Parks and Recreation. (Ord. 1069, 1-8-1990)
- M. No person shall write upon, mark, deface or destroy in any manner or use in any improper way any property or thing pertaining to or in said parks.
- N. All persons shall obey all orders or directions of the Director or employees of the Department of Parks and Recreation.
- O. No person shall break, cut, mutilate, injure, remove or carry away any tree, plant, flower, shrub, rock, soil, sand, fence, bench or any other property.
- P. No person shall ride a horse or other animal without a permit from the Parks and Recreation Director.
- Q. No person shall use SCUBA or other diving equipment. (Ord. 534, 4-24-1967; amd. 1995 Code)
- R. Notwithstanding anything to the contrary in this Code, the use of non-intoxicating malt liquors as defined in Minnesota Statutes section 340A.101, subdivision 19, is permitted in certain areas of McCarrons Lake Park. The permitted areas in McCarrons Lake Park shall be established by the Director of the Parks and Recreation Department, or the Director's designee, pursuant to permits issued by Ramsey County on a case-by-case basis and upon review and approval of said permits by the Director and the Roseville Police Department. This subsection R shall be in force until the issuance of a certificate of completion for the Snail Lake Park shelter or November 1, 1999, whichever occurs first, at which time it shall be repealed without further action of the City Council. (Ord. 1204, 5-26-1998)

REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 7.c.

Department Approval

City Manager Approval



Item Description: Discuss Changes to City Code Chapter 316, Tetrahydocannabinol (THC) Products

Background

In 2022, the Minnesota Legislature passed a law permitting the sale of edible and beverage products that contain a certain amount of Tetrahydocannabinol (THC) content. On August 8, 2022 the City Council adopted a moratorium on the sales of THC products to allow for the City to consider the proper regulatory and licensing framework. On November 7, 2022, the City Council adopted an ordinance creating Chapter 316 of the City Code (Attachment 1). Among other things, Chapter 316 limits the amount of THC licenses allowed to be issued in the City to 8 and limited those licenses to only "age-restricted" establishments that only allow persons over 21 to enter.

In 2023, the Minnesota Legislature passed a law that legalizes adult-use cannabis in Minnesota. As part of the new law, the Legislature made some changes to the previous THC law, including allowing "Exclusive Liquor Stores" (as defined by Minnesota Statutes [340A.101, subdivision 10](#)) to sell edible and beverage products containing THC.

With the recent changes in law allowing liquor stores to sell THC products as well as an overall increase in inquiries from restaurants interested in serving THC beverage products, staff is requesting the City Council consider amending Chapter 316 regarding the cap of THC licenses. The City has already issued the maximum 8 THC licenses allowed under Chapter 316. Current THC retail license holders are listed below:

- | | |
|--------------------------------|----------------------|
| • Roseville Smoke Shop | 2113 Snelling Ave. |
| • Roseville Smoke Shop | 1732 Lexington Ave. |
| • Roseville Tobacconist Inc. | 2217 Snelling Ave. |
| • Noble Tobacco | 2681 Rice St. |
| • Blume Brauhaus | 1744 Terrace Ave. |
| • Ascent | 2216 County Road D |
| • Lustrous Spirits (MGM) | 1149 Larpenteur Ave. |
| • Cub Wine & Spirits (Har Mar) | 2100 Snelling Ave. |

Staff believes that there are several changes to be made to reflect the new law as well as to reflect the reality of the THC market. They are as follows:

Remove the prohibition of Exclusive Liquor Stores holding a THC License

City Code Section 316.05 (a) (2) specifically prohibits exclusive liquor stores from receiving a THC license. With the change in law, this section should be removed from the code. In addition, the definition of exclusive liquor store in Section 316.02 can also be removed.

38
39 Remove/Adjust the cap on THC licenses issued by the City

40 Staff believes that the cap of 8 THC licenses is too low given the reality of the acceptance in the market
41 for THC products and the expansion on who can sell THC products. Options for the City Council to
42 consider are::

43
44 1) Remove the cap completely but still require businesses selling THC products to receive a license from
45 the City.

46 2) Keep the cap of 8 (or a different number) THC licenses, but specify that holders of a liquor license
47 under Minnesota Chapter 340A, which covers every type of liquor license allowed in the state, will not
48 count against the cap but will still need to receive a license from the City to sell THC products.

49
50 For the second option, the code could be amended as follows:

51
52 316.03 (j) *Total Licenses*. The total number of licenses for Tetrahydocannabinol Products shall not
53 exceed eight (8). The cap on THC licenses does not apply to holders of a liquor license as established
54 under Minnesota State Statutue Chapter 340A. but the person holding such a license must receive a
55 THC license from the City to sell THC products.

56 ...
57
58 Review requirement that only Age-Restricted Establishments may sell THC products

59 Given that many restaurants that hold an on-sale liquor license will most likely want to sell THC
60 beverages along with beer, wine, and liquor, there is a need to review the requirement that only age-
61 restricted establishments may sell THC products. Chapter 316 currently defines an age-restricted
62 establishment as follows:

63 *Age-Restricted Establishment:* An establishment licensed under this Chapter which:

- (a) Prohibits persons under 21 years of age from entering the establishment at all times;
- (b) Posts conspicuous written notice of such age restriction at all entrances to the establishment;
- (c) Meets all of the following building or structural criteria:
 - i. Shares no wall with, and has no part of their structure adjoined to any other business or retailer, unless the wall is permanent, completely opaque, and without doors, windows, and pass-throughs to the other business or retailer; and
 - ii. Is accessible by the public only by an exterior door.

64
65 Short of totally removing the age-restricted establishment requirement to sell THC products, Chapter
66 316 could be amended as follows:

67 ...
68 Section 316.03 License

69 (a) *License Required*. No person shall sell or offer to sell any licensed products within the City without
70 first having obtained a license to do so from the City. Licenses will only be issued to an Age-Restricted
71 Establishment, unless the person already has a liquor license as established under Minnesota State
72 Statutue Chapter 340A issued by the City.

73 ...
74
75 Staff would like to have feedback and direction on changes to Chapter 316 and will bring back an
76 ordinance amendment for future consideration by the City Council.

77
78 **Policy Objectives**

79 Local governments are delegated licensing authority from the state to protect the health, safety, and
80 general welfare of their residents. Requiring licenses for the sale of THC products does that and also
81 aligns with the City's Aspirations to be "Safe and Law Abiding"

Racial Equity Impact Summary

While the changes outlined in this staff report regard the business licensing of THC sales and no direct racial equity impact is expected, it should be noted that a major reason that the Minnesota Legislature legalized the use of cannabis and THC centered around racial equity. Studies have shown that there are some communities that have experienced a disproportionate, negative impact from cannabis regulation enforcement.; With the legalization of these products, it is hoped that disproportionate and negative impacts to BIPOC communities around cannabis will be lessened and eventually eliminated.

Budget Implications

Based on changes approved by the City Council, there is a possibility to issue additional THC licenses which will lead to more revenue. Currently, the fee for a THC license is \$300 annually.

Staff Recommendations

Staff requests the City Council review and discuss the information included as part of the staff report and provide direction for the next steps.

Requested Council Action

Review and discuss the information contained as part of the staff report and provide direction for the next steps.

Prepared by: Patrick Trudgeon, City Manager (651) 792-7021 pat.trudgeon@cityofroseville.com

Attachments: 1. Title-3-Business-Regulations- Chapter 316 THC

CHAPTER 316

TETRAHYDROCANNABINOL (THC) PRODUCTS

SECTION:

316.01:	Purpose and Intent
316.02:	Definitions
316.03:	License
316.04:	Fees
316.05:	Ineligibility and Basis for Denial of License
316.06:	Prohibited Acts
316.07:	Responsibility
316.08:	Compliance Checks and Inspections
316.09:	Violations and Penalty
316.10:	Exceptions
316.11:	Severability
316.12:	Effective Date

Section 316.01 PURPOSE AND INTENT.

The purpose of this Chapter is to regulate the sale of legalized adult-use of any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72 (“THC Products”) for the following reasons:

- (a) By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minnesota Statutes, section 151.72 to allow the sale of certain products containing tetrahydrocannabinol (THC).
- (b) The new law does not prohibit municipalities from adopting and enforcing local ordinances to regulate THC product businesses including, but not limited to, local zoning and land use requirements and business license requirements.
- (c) The National Academies of Science, Engineering, and Medicine note that the growing acceptance, accessibility, and use of THC products, including for medical purposes, have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use.
- (d) The City recognizes the danger THC use presents to the health, welfare, and safety of youth in Roseville.
- (e) The Minnesota Legislature recognized the danger of THC product use among the public at large by setting potency and serving size requirements.
- (f) The Minnesota Legislature recognized the danger of THC product use among youth by prohibiting the sale of any product containing THC to those under the age of 21, requiring that edible THC products be packaged without appeal to children and in child-resistant packaging or containers.
- (g) State law authorizes the Board of Pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and

ensure the safety and compliance of commercially available THC products in the state of Minnesota.

- (h) The City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among THC product retailers with laws prohibiting the sale or marketing of THC products to youth.
- (i) A local regulatory system for THC product retailers is appropriate to ensure that retailers comply with THC product laws and business standards of the City of Roseville to protect the health, safety, and welfare of our youth and most vulnerable residents.
- (j) A requirement for a THC product retailer license will not unduly burden legitimate business activities of retailers who sell or distribute THC products to adults but will allow the City of Roseville to regulate the operation of lawful businesses to discourage violations of state and local THC Product-related laws.
- (k) In making these findings and enacting this ordinance, it is the intent of the Roseville City Council to ensure responsible THC product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of THC Product-related laws, especially those which prohibit or discourage the marketing, sale or distribution of THC products to youth under 21 years of age.

Section 316.02. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Age-Restricted Establishment: An establishment licensed under this Chapter which:

- (a) Prohibits persons under 21 years of age from entering the establishment at all times;
- (b) Posts conspicuous written notice of such age restriction at all entrances to the establishment;
- (c) Meets all of the following building or structural criteria:
 - i. Shares no wall with, and has no part of their structure adjoined to any other business or retailer, unless the wall is permanent, completely opaque, and without doors, windows, and pass-throughs to the other business or retailer; and
 - ii. Is accessible by the public only by an exterior door.

Compliance Checks. The system the City uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this article. Compliance checks involve the use of persons under 21 who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the City or other units of government for educational, research, and training purposes, or for investigating or enforcing Federal, State, or local laws and regulations relating to licensed products.

Exclusive Liquor Store. An establishment that meets the definition of exclusive liquor store in Minnesota Statutes, section 340A.101, subdivision 10.

Licensed Product or THC Product. Any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72, as may be amended from time to time. Licensed product does not include medical cannabis as defined in Minnesota Statutes, section 152.22, subdivision 6, as may be amended from time to time.

Moveable Place of Business. Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

Sale. Any transfer of goods for money, trade, barter, or other consideration.

Self-Service Merchandising. Open displays of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention means the actual physical exchange of the licensed product between the customer and the licensee or employee.

Vending Machine. Any mechanical, electric, or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

Section 316.03 LICENSE.

(a) *License Required.* No person shall sell or offer to sell any licensed product within the City without first having obtained a license to do so from the City. Licenses will only be issued to an Age-Restricted Establishment

(b) *Application.* An application for a license to sell licensed products shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City Manager deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council meeting.

Applications shall include a review by the Police Department or other qualified service providers in conducting and completing criminal background checks. The City may conduct a background check on an application for a renewal of a license if it is in the public interest to do so.

At the time of application, the applicant shall furnish the City with a list of all persons that have an interest of five percent or more in the business. It is the duty of each business licensee to notify the City Clerk in writing of any change in ownership in the business. Any change in the ownership or control of the business shall be deemed equivalent to a transfer of the license, and any such license shall be revoked 30 days after any such change in ownership or control unless The licensee has notified the City Clerk of any change in ownership by submitting a new license

application for the new owners. The Council may revoke any license issued upon its determination that a change of ownership of a licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the Council on notice to the licensee.

(c) *Action*. The City Council may either approve or deny the application for a license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council approves the license, the City Clerk shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the City Council's decision. If a license application is denied, the earliest an applicant may reapply is 12 months from the date the license is denied.

(d) *Term*. All licenses issued under this article shall expire on December 31 of each year.

(e) *Revocation or Suspension*. Any license issued under this article may be revoked or suspended as provided in Section 316.10.

(f) *Transfers*. All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

(g) *Display*. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(h) *Renewals*. The renewal of a license issued under this article shall be handled in the same manner as the original application.

(i) *Issuance as Privilege and Not a Right*. The issuance of a license issued under this article is a privilege and does not entitle the license holder to automatic renewal of the license.

(j.) *Total Licenses*. The total number of licenses for Tetrahydrocannabinol Products shall not exceed eight(8).

Section 316.04 FEES.

No license shall be issued under this Chapter until the appropriate license fee has been paid in full. The fee for a license under this Chapter shall be established by the City Council and adopted in the City fee schedule, and may be amended from time to time. License fees are pro-rated on a quarterly basis as defined in Chapter 301.04.

Section 316.05 INELIGIBILITY AND BASIS FOR DENIAL OF LICENSE.

(a) *Ineligibility*.

(1) *Moveable Place of Business*. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(2) *Exclusive Liquor Store.* No license shall be issued to an exclusive liquor store as defined in Minnesota Statutes, section 340A.101, subdivision 10.

(b) *Grounds for Denial.* Grounds for denying the issuance or renewal of a license under this Chapter include, but are not limited to, the following:

- (1) The applicant is under the age of 21 years.
- (2) The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation from holding a license.
- (3) The applicant has been convicted within the past five years for any violation of a Federal, State, or local law, other ordinance, provision, or other regulation relating to the licensed products.
- (4) The applicant has had a license to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the City or in another jurisdiction, that has had a license to sell licensed products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.
- (5) The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this article.
- (6) The applicant is the spouse of a person ineligible for a license pursuant to the provision of Subsections (b)(2) and (3) of this section or who, in the judgement of the Council, is not the real party in interest or beneficial owner of the business to be operated, under the license.
- (7) The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter or any part thereof.

(c) No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the City or of the State are due, delinquent, or unpaid.

Section 316.06 PROHIBITED ACTS.

(a) *In general.*

(1) No person shall sell or offer to sell any licensed product:

- (i) By means of any type of vending machine.
- (ii) By means of self-service merchandising.

(iii) By any other means, to any other person, on in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.

(2) No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minnesota Statutes, section 151.72, subdivision 3.

(b) *Legal Age.* No person shall sell any licensed product to any person under the age of 21.

(1) *Age verification.* Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age.

(2) *Signage.* Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(c) *Samples Prohibited.* No person shall distribute samples of any licensed product free of charge or at a nominal cost.

Section 316.07 RESPONSIBILITY.

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil and/or criminal penalties that the City deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

Section 316.08 COMPLIANCE CHECKS AND INSPECTIONS.

All premises licensed under this Chapter shall be open to inspection by the City during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks.

No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a compliance check that involves the participation of a person under the age of 21 to enter the licensed premises to attempt to purchase the licensed products. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. Nothing in this Chapter shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

Additionally, from time to time, the City will conduct inspections to determine compliance with any or all other aspects of this ordinance.

Section 316.09 VIOLATIONS AND PENALTY.

- (a) *Administrative Civil Penalties—Individuals.* If a person who is not a licensee is found to have violated this Chapter, the person shall be subject to an administrative penalty of \$250.00
- (b) *Licensee.* If a licensee or an employee of a licensee is found to have violated this Chapter, the licensee shall be subject to the following minimum administrative penalties:
 - (1) *First Violation.* The Council shall impose a civil fine of \$1,000.00.
 - (2) *Second Violation Within 36 Months.* The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 3 consecutive days.
 - (3) *Third Violation Within 36 Months.* The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 7 consecutive days.
 - (4) *Fourth Violation Within 36 Months.* The Council shall revoke the license for at least one year.
- (c) *Misdemeanor Prosecution.* Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this Chapter.

Section 316. 10 EXCEPTIONS

The following businesses are not required to apply and hold a THC product sales license:

- (a) Medical providers that prescribe or sell THC products to their patients.
Medical providers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this Chapter.
- (b) Wholesalers and Manufacturers of THC products that sell THC products over the Internet or by mail through business to business transactions .
Wholesalers and Manufacturers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this Chapter.
- (c) Retailers who exclusively sell THC products over the Internet or by mail.
Retailers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this Chapter.

Section 316.11 SEVERABILITY.

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Section 316.12 EFFECTIVE DATE.

This ordinance becomes effective upon passage and publication. (Ord. 1621, 11-07-2022)

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 7.d.

Department Approval

City Manager Approval



Item Description: Consider Adoption of an Ordinance to Amend Chapter 10 to Allow Display of Political Signs Prior to In-Person Voting

Background

A resident recently asked the City, through Councilmember Schroeder, when political signs can be displayed for the 2023 election now that in-person early voting has been approved by the Minnesota Legislature. The new law states that in-person early voting shall begin 18 days prior to the election. As many people will utilize in-person early voting, staff thought it would be good to review the current regulations regarding the timeline of when political signs can be displayed.

Chapter 1010.09 (6) (a) and (b) of the City Code regulates the timing of when political signs may be placed in the city. The current language reads as follows (highlight added):

1010.09 OTHER SIGNS

...

6. Political signs to the extent that the following criteria are met:

- a. In years when a state general election is held, political signs may be posted **46 days before the primary election** (Ord 1500, 5-10-2016) until 10 days following the state general election. Any such signs must be removed by those responsible for their being posted.
- b. In years where no state general election is held, if there is a primary for any office, political signs for all offices may be posted no more than **21 days before the primary election**. When there is no primary for any office, such signs may be posted not more than **21 days before the general election**. All such signs must be removed by those responsible for their being posted within 5 days following the general election. Said signs shall not exceed 12 square feet gross area.

...

Now that the electorate will be able to vote in-person 18 days prior to the election date, it seems appropriate that the code is changed to allow for political signs to begin to be placed based off the start of early voting instead of the actual date of the election. With that in mind, staff, in consultation with the City Attorney, suggests the following changes to 1010.09 (6)(a) and (b):

1010.09 OTHER SIGNS

...

6. Political signs to the extent that the following criteria are met:

- a. In years when a state general election is held, political signs may be posted 46 days before the first day of in-person early voting absentee for the primary election (Ord 1500, 5-10-2016) until 10 days following the state general election. Any such signs must be removed by those responsible for their being posted.

37 b. In years where no state general election is held, if there is a primary for any office, political signs
38 for all offices may be posted no more than 21 days before the first day of in-person early voting
39 absentee for the primary election. When there is no primary for any office, such signs may be
40 posted not more than 21 days before the first day of in-person early voting absentee for the
41 general election. All such signs must be removed by those responsible for their being posted
42 within 5 days following the general election. Said signs shall not exceed 12 square feet gross
43 area.

44 ...

45
46 If the ordinance is amended as suggested, the dates on which political signs could be displayed would
47 be as follows:

48

Election Cycle	Election Day	Begin Early Voting	Start date of displaying political signs- Current Ord.	Start date of displaying political signs – Proposed Ord.
2023 General Election	November 7	October 20	September 22	September 4
2024 Primary Election	August 13	July 26	June 28	June 10
2024 General Election	November 5	October 18	September 20	September 2

49
50 The draft ordinance and ordinance summary are included as Attachment 1 and 2.

51
52 **Policy Objectives**

53 Ensuring voters are informed regarding elections for local, county, state, and federal governments is an
54 important component of our democracy and supports the City's aspiration to be "Engaged in our
55 community's success as citizens, neighbors, volunteers, leaders, and business people". This ordinance
56 amendment will allow those voters who do in-person voting to be better informed about the candidates
57 and issues on the ballot.

58
59 **Racial Equity Impact Summary**

60 No specific racial equity impact has been identified with the ordinance amendment to allow political
61 signage to be displayed based on the start of early voting.

62
63 **Budget Implications**

64 There is no budget impact with this action.

65
66 **Staff Recommendations**

67 Staff recommends the City Council review the proposed ordinance and consider it for adoption.

68
69 **Requested Council Action**

70 Motion to approve an ordinance and ordinance summary to allow political signs to be displayed based
71 on the start of early voting.

72
73 **Prepared by:** Patrick Trudgeon, City Manager (651) 792-7021 pat.trudgeon@cityofroseville.com

Attachments: 1. Proposed Ordinance
2. Ordinance Summary

74

**City of Roseville
ORDINANCE NO.**

AN ORDINANCE AMENDING

TITLE 10 SECTION 1010.09

**AN ORDINANCE AMENDING TITLE 10 SECTION 1010.09
TO ALLOW DISPLAY OF POLITICAL SIGNS
PRIOR TO IN-PERSON VOTING**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 10, Section 1010.09 of the Roseville City Code is amended to read as follows:

1010.09: OTHER SIGNS

A. No permit or permit fee shall be required for the following types of temporary signs, however, all other provisions of this Chapter shall apply.

1. Nameplate Signs

2. Construction Signs: Construction signs shall be confined to the site of construction, alteration, or repair and shall be constructed of high-quality material maintained in good repair. No more than one sign is permitted on each street frontage the project abuts. The sign shall be removed within 180 days of the date of the issuance of a building permit for the work. A conditional use permit is required for a contractor sign to remain in place longer than allowed by this subsection.

Construction signs are allowed in zoning districts in accordance with the following criteria:

ZONING DISTRICT	SIZE	HEIGHT	PLACEMENT/SETBACK
LDR 7 LMDR	16 sq. ft.	8 foot maximum	5 feet from property line/zero if attached to security fence
All other Districts	32 sq. ft. per street frontage	12 foot maximum	5 feet from property line/zero if attached to security fence

Underline indicates new language, ~~strikethrough~~ indicates removed language

- 38 3. Flags
- 39
- 40 4. Garage/Yard Sale Signs: The sign shall only be displayed during the
- 41 term of the sale and must be removed when the sale is completed.
- 42
- 43 5. Holiday signs may be displayed over a period not to exceed a total of
- 44 60 days per calendar year. The aggregate total area of such signs
- 45 shall not exceed 50 square feet.
- 46
- 47 6. Political signs to the extent that the following criteria are met:
- 48
- 49 a. In years when a state general election is held, political signs
- 50 may be posted 46 days before the first day of in-person
- 51 absentee voting for the primary election (Ord. 1500, 5-10-
- 52 2016) until 10 days following the state general election. Any
- 53 such signs must be removed by those responsible for their
- 54 being posted.
- 55
- 56 b. In years when no state general election is held, if there is a
- 57 primary for any office, political signs for all offices may be
- 58 posted no more than 21days before the first day of in-person
- 59 absentee voting for the primary election. When there is no
- 60 primary for any office, such signs may be posted not more
- 61 than 21 days before the first day of in-person voting for the
- 62 general election. All such signs must be removed by those
- 63 responsible for their being posted within five days following
- 64 the general election. Said political signs shall not exceed 12
- 65 square feet gross area.
- 66
- 67 c. Political signs shall be set back at least 15 feet from the
- 68 outside edge of any street or back of curb of all City and
- 69 county streets.
- 70
- 71 d. Political signs shall not be placed so as to cause a hazard to
- 72 public safety.
- 73
- 74 e. Political signs shall not be placed on any property without
- 75 permission of the property owner.
- 76
- 77 f. Political signs shall not be located on any city owned
- 78 Property.
- 79

- g. Signs in violation of the above provisions may be removed by city staff and stored for two weeks. After two weeks, unclaimed signs will be disposed of by the city.

7. Real estate signs to the extent that the following criteria are met:

- a. Low Density Residential (LDR) and Low to Medium Density Residential (LMDR) Property: For the purpose of selling, renting or leasing any LDR and LMDR property, a real estate sign not in excess of ten square feet in gross surface area in single and two-family districts may be placed within the front yard or in the public street right of way beyond the front yard. No part of the sign shall be closer than 6 feet from the curb. If there is a sidewalk, no part of the sign shall be closer than two feet from the edge of the sidewalk.

8. Security System Signs: Signs identifying the presence of a security or alarm system are allowed not to exceed two square feet.

9. Window Signs: Signs affixed to or painted on windows or placed within 36 inches of a window to be viewed from the exterior of the building shall not occupy more than 25% of the total window area, nor shall they be placed in a location that would block the view into the building from a public street of the clerk's or cashier's area. Under no circumstances shall the total area of window signage exceed ½ the allowable area of wall signage for the affected building.

10. Signs that are affixed to City-owned light poles or standards that contain information advertising the City itself or City events, provided the signs are located in non-residential areas, have been approved by the City Council and City Public Works Director or the Director's designee. (Ord. 367, 5-12-2008)

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this ____ day of _____ 20XX.

Signatures as follows on separate page:

Underline indicates new language, ~~strikethrough~~ indicates removed language

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123 *Ordinance –*
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126 (SEAL)
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CITY OF ROSEVILLE

BY: _____
Daniel Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

City of Roseville
ORDINANCE SUMMARY NO. ____

**APPROVING PUBLICATION OF AN ORDINANCE SUMMARY OF
THE AMENDMENT TO TITLE 10, SECTION 1010.09 OF THE
ROSEVILLE CITY CODE IN ORDER TO ALLOW DISPLAY
OF POLITICAL SIGNS PRIOR TO IN-PERSON VOTING**

SECTION 1: The City Council of the City of Roseville, on August 7, 2023, adopted Ordinance No. _____. Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps.

The City Council has determined that the following summary would clearly inform the public of the intent and effect of the ordinance.

SECTION 2: The following is the official summary of Ordinance No. _____ approved by the City Council of Roseville on August 7, 2023 and directs the City Clerk to publish the title and summary as follows in the official newspaper in lieu of the entire ordinance:

On August 7, 2023, the City Council of the City of Roseville adopted Ordinance No. _____, an ordinance: "The Amendment To Title 10, Section 1010.09 Of The Roseville City Code In Order To Allow Display of Political Signs Prior to In-Person Voting." The Ordinance amends the requirements by extending the time of posting political signs to 46 days before the first day of early voting in state general elections and no more than 21 days before the first day of early voting for primary elections. When there is no primary for any office, signs may be posted not more than 21 day before the first day of early voting for the general election.

SECTION 3: A printed copy of the full ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

ATTEST:

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45

46

47 Patrick Trudgeon, City Manager

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49

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REQUEST FOR COUNCIL ACTION

Date: 8/7/2023

Item No.: 7.e.

Department Approval

City Manager Approval



Item Description: Discuss Hotel Licensing Ordinance

Background

In its most recent session, the Minnesota Legislature passed a law allowing municipalities to directly license hotels. (Attachment 1) As the City Council knows, this has been a top legislative priority for the City for many years. Roseville's Police Chief and Deputy Chief have testified in front of the Legislature several times over the years to highlight the need to give municipalities the tools to deal with criminal activity at hotels.

Under the law, municipalities must first adopt an ordinance prior to requiring licensing of hotels. To assist in the discussion, a hotel licensing ordinance from Waite Park, MN is included as Attachment 2. The City of Waite Park previously received specific approval by the Legislature to license hotels. Their ordinance has been in effect for several years and they have used the licensing ordinance to regulate the activity at hotels and have revoked at least one hotel license.

Staff believes that the Waite Park ordinance is a good starting point to begin the discussion on what Roseville's hotel licensing ordinance should be. Generally speaking, the Waite Park ordinance covers the following subjects:

- Definitions section defining, among other things, Calls for Service, Lodging Establishments, Nuisance Related Calls (pp. 105-1 & 105-2)
- Requiring a city-issued license to operate a lodging establishment and outlining procedures for applying for a license (p. 105-2)
- Reasons for denial of hotel license (pp. 105-2 & 105-3)
- Nontransferability of license and reporting of changes to application while application is pending (105-3)
- Revocation of license (pp. 105-3 & 105-4)
- Use of an investigative report as part of the revocation process (p. 105-4)
- Provision of notices to hotel with the third notice leading to revocation (pp. 105-4 105-5)
- Ability to immediately revoke a license due to a singular serious event (p. 105-5)
- Notice requirements for the hearing and revocation decision (p. 105-5)
- Requiring lodging establishment to cease operations 15 days after posting of revocation notice (105-6)
- Reissuance of license (p. 105-6)
- Minimum standards of operations (105-6 -105-8)
- Requiring lodging establishment owners/operator to keep and maintain a register of guests boarding at their establishment
- Requiring an owner or operator to cooperate with law enforcement during response to calls

It should be noted that Waite Park uses a threshold of 45 calls within a 12 month period before revocation would occur. Under our repeat nuisance ordinance (Attachment 3), the City issues fines to lodging establishments once their nuisance calls exceed more than 10 per month. As that threshold was determined by the amount of calls to all of our lodging establishments, it is staff's initial thinking that the trigger for notices and revocation should be based on a similar formula.

Staff would like to have feedback on what should be included in Roseville's ordinance. Based on the discussion, staff will bring back a draft for review and discussion. Staff is also interested in the City Council's thoughts on what type of engagement with hotel owners/operators they would like to see.

Policy Objectives

One of the main legislative priorities for the past several years is the ability to license hotels to address illegal activity happening at some lodging establishments and the resulting drain on city resources in responding. Adoption of a licensing ordinance will provide a better tool for the city to address illegal activities at lodging establishments. A lodging establishment ordinance is consistent with several City Aspirations, namely being a safe and law-abiding community, and economically prosperous.

Racial Equity Impact Summary

The racial equity impact of a hotel licensing ordinance has not been analyzed at this point. However, as the lodging establishments where illegal activity occurs frequently have lower room rates, it can be expected that any action to revoke a license to a lodging establishment will impact those that use low-rate lodging accommodations. While staff could not locate any statistics on the demographic use of lodging establishments by race, it is understood that low-rate lodging accommodations are used by low-income populations. According to a [University of Minnesota Humphrey School](#) report, the poverty rate for non-white Minnesotans is higher than the white population. The study showed that Whites have a poverty rate of 7% compared to 10.6% for Asians, 11.2% for Hispanics, 20.7% for Blacks, and 28.5% for Native Americans. Based on that information, it can be surmised that persons in the BIPOC may use low-rate lodging accommodations at a higher rate than the white population and thus would be more affected by the closing of low-rate lodging establishments. Finally, it should be noted that ongoing illegal activity should not be tolerated at any of Roseville's lodging establishments, especially those that serve a larger percentage of low-income people.

Budget Implications

Under the new law, lodging establishment licensing fees are limited to \$150.

Staff Recommendations

Staff would like to have feedback on what should be included in Roseville's lodging establishment licensing ordinance and what the next step would be. Based on the discussion, staff will bring the topic back for additional discussion and consideration.

Requested Council Action

The City Council should discuss what should be included in Roseville's lodging establishment licensing ordinance and provide staff with direction for the next steps.

Prepared by: Patrick Trudgeon, City Manager (651) 792-7021 pat.trudgeon@cityofroseville.com

Attachments:

1. Lodging Establishment Licensing Law Summary
2. Waite Park Lodging Establishment License Ordinance
3. Chapter 511 Repeat Nuisance

Focus on New Laws: Hotel Licensing Authority for Cities

July 24, 2023

A new law provides cities with a new tool to manage public safety issues at hotels through licensing.

A law passed in the 2023 legislative session includes a provision enabling cities to establish and maintain municipal hotel licenses. Minnesota Session Laws 2023, Chapter 62, Article 3, Section 16, signed into law on May 24, 2023, empowers cities to adopt ordinances requiring hotels in their city limits to have valid city-issued licenses. This new law went into effect on July 1, 2023.

The amendment specifies that the sole condition of licensure cities can impose is that hotels comply with state and local laws and provides cities with the ability to revoke local licenses if the hotel fails to comply with the conditions of the license.

Background on local hotel licensing

Currently, all hotels and similar short-term accommodations are required to have a state-issued license through the Minnesota Department of Health. However, state inspectors are not available in all areas or at all times, and their ability to intervene when a hotel property becomes a local problem is limited to health and safety hazards.

Prior to the 2023 amendment, state statute did not specifically authorize cities to create municipal hotel licensure systems. In 2017, the city of Waite Park successfully petitioned the state Legislature for an exception to this regulation and instituted a municipal hotel licensure ordinance in response to ongoing public safety concerns surrounding a property. The 2023 amendment expands this power to all municipalities within the state regardless of size.

Considerations for cities

The League suggests cities conduct a review of the hotel properties in their jurisdictions and work with their public safety departments to determine whether a hotel regulation ordinance is appropriate for their locality.

Keep in mind that any new ordinance passed would be limited to conditioning licensure on compliance with state or local laws by hotel properties. If there are maintenance or cleanliness concerns with a hotel in your city, they should be referred to the Minnesota Department of Health.

Your LMC Resource

Aisia Davis

Research Attorney

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ORDINANCE 105 REGULATION OF HOTELS/MOTELS/LODGING
ESTABLISHMENTS 105-1

Section 105.1. Definitions..... 105-1
 Section 105.2. License to Operate 105-2
 Section 105.3. Minimum Standards of Operation 105-6
 Section 105.4. Enforcement 105-8
 Section 105.5. Investigation 105-8

Section 105.1. Definitions. For purposes of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. **Calls for Service.** “Calls for Service” includes but is not limited to any and all calls to emergency services (police, fire, and medical), that result in a representative being dispatched or directed to the lodging establishment, hotel or motel. That shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be traced to the lodging establishment, hotel or motel staff and/or registered guest(s) and/or visitor(s). Calls for service includes any self initiated activity and/or investigation based on the observation(s) of an emergency services representative.
- B. **Guest.** “Guest” means any person that occupies a guestroom.
- C. **Guestroom.** “Guestroom” means a sleeping room in a lodging establishment, hotel or motel designed and included to be used as lodging.
- D. **Hotel or Motel.** “Hotel or motel” means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for less than one week pursuant to Minn. Stat. Section 157.15, subd. 7. Hotels or motels are considered temporary sleeping accommodations for people who have established residence elsewhere.
- E. **Lodging Establishment.** “Lodging Establishment” means (1) a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public; or (2) a building, structure, or enclosure of any part thereof located within ten miles distance from a hospital or medical center and maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished exclusively to patients, their families, and caregivers while the patient is receiving or waiting to receive health care treatments or procedures for periods of one week or more, and no supportive services, as defined under section 157.17, subdivision 1, paragraph (a), or health supervision services, as defined under section 157.17, subdivision 1, paragraph (b), or home care services, as defined under section 144A.471, subdivisions 6 and 7,

are provided pursuant to Minn. Stat. Section 157.15, subd. 8. Lodging establishments are considered temporary sleeping accommodations for people who have established residence elsewhere.

- F. **Nuisance-Related Calls.** “Nuisance-related Calls” includes emergency or 911 service calls which annoys, injures or endangers the safety, health, and welfare of the public. Nuisance-related calls also include 911 service calls which relate to suspected illegal activity on the premises of the lodging establishment, hotel or motel.
- G. **Owner or Operator.** “Owner or Operator” means any person, firm, association, partnership, limited liability company, or corporation, which is the record owner, part owner, lessee, receiver, sublessee, or franchised operator of real property as listed on the last equalized assessment roll as maintained by the City of Waite Park at which a lodging establishment, hotel or motel business is operated, which offers and accepts payment for rooms, guest rooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the guestroom on behalf of himself/herself or any entity listed above.

Section 105.2. License to Operate. In addition to the other licensing requirements set out by Minnesota Statutes and the Minnesota Department of Health, it is unlawful to operate a lodging establishment, hotel or motel without a valid license through the City of Waite Park. The annual license to operate shall be applied for to the City Administrator, or his or her designee, on a yearly basis by the owner or operator of a lodging establishment, hotel or motel. The deadline for submitting the application, processing fee, and background check fee shall be October 1st, or if this date lands on a Saturday or Sunday, on the next business day to the City of Waite Park. The application and background check fees are set forth in Appendix B. The license shall be issued or denied within ninety (90) days. The City Council shall approve or deny each application.

In the event that a new lodging establishment, hotel or motel operator applies for a license during the year prior to October 1st, the license will be issued or denied within ninety (90) days. Any subsequent permit may be applied for on or before October 1st of the following year and issued or denied within ninety (90) days.

Subd. 1. Application Requirements. In addition to filling out the necessary application paperwork, applicants will need to complete the following:

- A. Participate in training each year as directed by Law Enforcement; and
- B. The owner(s) or operator(s) and on-site general management of the lodging establishment, hotel or motel shall submit to a criminal background check.

Subd. 2. Grounds for Denial. The license to operate may be denied for any of the following reasons:

- A. Failure to comply with the minimum standards of operation as outlined in this ordinance.
- B. The lodging establishment, hotel or motel has a material unabated notice of violation.
- C. The excessive nature of nuisance-related calls after being served First, Second, and Third Notices.
- D. A serious nuisance-related call which warrants immediate revocation.
- E. Failure to maintain the licensed premises to all building, fire, mechanical, zoning or licensing codes.
- F. The owner(s), operator(s), or on-site general manager(s) has multiple criminal convictions that relate to the lodging establishment, hotel or motel or has been convicted of a felony that relates to the licensed activity. This subsection shall not apply to corporations, limited liability companies, or partnerships, but shall apply to all officers, directors of any such corporations and members of any such limited liability companies, and partners of any such partnerships.

Subd. 3. Nontransferability. Each license to operate issued pursuant to this ordinance shall be separate and distinct from all others and shall not be transferable from the person, firm or corporation to whom issued to any other person, firm or corporation.

When a change of the owner or operator occurs at an existing lodging establishment, hotel or motel, the new owner or operator shall apply for a license to operate. If the prior owner or operator's license to operate for the lodging establishment, hotel or motel was denied or revoked, a provisional license to operate may be issued with special conditions as designated by the City Administrator, or his or her designee.

Subd. 4. Report of Changes to the Application. Whenever an owner or operator sells or transfers title to, or assigns the lease or subleases a lodging establishment, hotel or motel while the application for the license to operate is pending, the owner or operator shall notify the City Administrator in writing within five (5) business days of such transfer.

Every operator of a lodging establishment, hotel or motel shall report any change in information such as any change to the manager(s) and operator(s) and/or owner(s) as defined in this ordinance to the City Administrator in writing within five (5) business days after the change has occurred. A change in the information on the application is subject to review by the City Administrator and may be grounds for revocation of the license to operate.

Subd. 5. Revocation. The license to operate shall be subject to revocation upon good cause shown that the operation of the lodging establishment, hotel or motel is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the residents or businesses of the neighboring community by any of the following:

- A. Noncompliance with federal, State, and City of Waite Park municipal codes;
- B. Noncompliance with this ordinance;
- C. The Nature of the Nuisance-related Calls;
- D. Arrests related to illegal activity which occurred on the lodging establishment, hotel or motel's premises;
- E. Any other conditions, problems, issues, concerns or facts that are deemed relevant.

Subd. 6. Revocation Investigative Report. In processing a revocation of the license to operate, the City Administrator, or his or her designee, shall prepare an investigation report that details the circumstances that have led to the revocation proceeding.

- A. The investigative report may include any or all of the following that are applicable:
 - 1. Frequency or occurrence of violations, arrests, or nuisance-related calls.
 - 2. Seriousness of the violations, arrests, or nuisance-related calls in relation to its threat or impact upon public health, safety or welfare.
 - 3. History of the violations, arrests, or nuisance-related calls.
 - 4. Good faith efforts taken by the lodging establishment, hotel or motel to correct, reduce and/or alleviate violations, arrests, or nuisance-related calls.
 - 5. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem.
 - 6. The impact of the violations, arrests, or nuisance-related calls on the surrounding property and community.
 - 7. The financial impact to the City of Waite Park.
- B. Prior to a revocation of a license to operate, the following notices must be provided:
 - 1. First Notice. Upon determination that the lodging establishment, hotel or motel has received fifteen (15) nuisance-related calls or complaints or the lodging establishment, hotel or motel was used in a manner in violation of any of the provisions enumerated in this ordinance, the City Administrator, or his or her designee, will notify the owner or operator by certified mail, and direct the owner or operator to take steps to prevent further violations at the lodging establishment, hotel or motel.

2. Second Notice. If fifteen (15) additional nuisance-related calls or violations of any provisions enumerated in this ordinance occurs at the premises within twelve (12) months of incidents for which the first notice was already provided, (total of thirty (30)), the owner or operator will be required to submit a written report explaining each call or complaint and will detail all actions taken by the owner or operator and its employees in response to all notices of violations at the lodging establishment, hotel or motel within the preceding twelve (12) months. This written report must be submitted to the City Administrator, or his or her designee, within fifteen (15) days, excluding intervening weekends and holidays, of the notice of violations. Failure to respond within fifteen (15) days is grounds for revocation of a license to operate. The City Administrator, or his or her designee, may serve a revocation investigative report and notice of hearing after failing to respond.
3. Third Notice. If fifteen (15) additional calls for service or violations of any provisions enumerated in this ordinance occur on the premises within twelve (12) months of incidents for which previous notices have been given, (total of forty-five (45) or more), the City Administrator, or his or her designee, may issue a revocation investigative report and notice of a hearing for revocation. Forty-five (45) or more nuisance-related calls or violations of any provisions in this ordinance are grounds for revocation of a license to operate.
4. Immediate Action Required. One single serious nuisance-related call or violation may be grounds for revocation. If the City Administrator, or his or her designee, determines that a serious nuisance-related call or violation which severely threatens public safety has occurred at the lodging establishment, hotel or motel, the City Administrator, or his or her designee, may serve a revocation notice with a copy of the revocation investigative report detailing the serious violation regardless of the number of notices the lodging establishment, hotel or motel has already received.

Subd. 7. Notice of Hearing. Upon good cause shown in the revocation investigation report issued by the City Administrator, or his or her designee, a notice of the hearing date, time, and location shall be served upon the owner or operator of a lodging establishment, motel or hotel personally or by certified mail ten (10) days prior to the scheduled hearing in front of the City Council to determine whether the license to operate should be revoked or not. The lodging establishment, hotel or motel shall be provided a copy of the revocation investigation report with the notice of hearing. The owner, operator, or other designated representatives shall be given the opportunity to be heard and present any evidence necessary at the revocation hearing. The City Council shall issue a final order determining whether the license to operate shall be revoked or not.

Subd. 8. Notice of Revocation. Upon confirmation and final decision issued by the City Council, the Chief of Police, or his or her designee, shall post a copy or copies of the notice of revocation of license to operate at the lodging establishment, hotel or motel.

Subd. 9. Removal or Tampering with Posted Notice. A posted notice of revocation of license to operate may only be removed by an authorized City of Waite Park official.

Subd. 10. Surrender Following Revocation. The lodging establishment, hotel or motel operation shall cease within fifteen (15) days of posting the notice of revocation of license to operate and surrender its license to operate to the City of Waite Park.

Subd. 11. Reissuance of license after revocation. A license to operate that is revoked shall not be reissued for a period of one (1) year from the date of such revocation, unless the period of revocation is either delayed or shortened by the City Council due to voluntary mitigation action by the owner or operator, and such mitigation action is approved by the City Council.

Subd. 12. Violations and Penalties. It is unlawful to operate a lodging establishment, hotel or motel without a valid license to operate in the City of Waite Park and it is unlawful to operate a lodging establishment, hotel or motel by failing to comply with any of the requirements established by this ordinance.

Section 105.3. Minimum Standards of Operation. In order to maintain the license to operate issued through the City of Waite Park, the owner or operator of a lodging establishment, hotel or motel shall comply with the following minimum standards of operation:

- A. No person shall be allowed to rent guestrooms without providing suitable identification at the time of registration, a copy of which shall be retained upon check in. The guest shall verify his or her identification through production of a driver's license, passport, government-issued identification, or some other type of identification.
- B. The true name of all persons occupying rented guestrooms shall be listed on the register at the time of registration. Any person who remains in a room after midnight (12:00 a.m.) shall be presumed to be a guest. Guestroom occupancy lists shall be recorded and maintained by the owner or operator for at least ninety (90) days.
- C. The owner or operator of a lodging establishment, hotel or motel shall immediately, upon notice that a registration was incomplete or inaccurate, terminate the rental agreement and evict from the premises all guests occupying the guestroom for which such incomplete or inaccurate registration was provided.
- D. No owner or operator of a lodging establishment, hotel or motel shall knowingly permit the premises to be used for any illegal purpose.
- E. The owner or operator of a lodging establishment, hotel or motel shall report observed or suspected illegal activity to the police within a reasonable period of time.
- F. The owner or operator of a lodging establishment, hotel, or motel shall install video surveillance at all entrances and exits of the building.

- G. The owner or operator of a lodging establishment, hotel or motel shall take all steps reasonable and necessary to insure that video surveillance and recording equipment is in good working order at all times.
- H. Video surveillance records shall be retained a minimum of ninety (90) days from the day of creation.
- I. Each guestroom shall be numbered in a plain, conspicuous manner. Such numbers shall be placed and maintained on the outside of the outer door of each guestroom, and no two guestrooms units shall be labeled with the same number.
- J. No guest shall be able to purchase the guestrooms on an hourly basis. All guestrooms must be rented for overnight purposes. An exception to this requirement is allowed for contracted guestrooms for an hourly basis between a business or corporation and lodging establishments, hotels or motels for the purposes of complying with Department of Transportation sleep regulations, federal law requirements, or state law requirements.
- K. Any lodging establishment, hotel or motel license issued by the City of Waite Park shall be conspicuously displayed in the office or lobby of the licensed establishment.
- L. The operation of any lodging establishment, hotel or motel shall be supervised by a manager, or his or her designee, in charge of the property at all hours.
- M. No guest shall be able to establish permanent residency at the lodging establishment, hotel or motel.
- N. The owner or operator of a lodging establishment, hotel, or motel shall maintain and follow all building, mechanical zoning, or licensing codes. In addition to all of the required applicable building codes, property maintenance laws and state health laws, each guestroom shall maintain the following minimum requirements:
 - 1. A proper entry door, windows, beds, and bedding;
 - 2. Toilet room;
 - 3. Lavatory;
 - 4. Bathtub or shower;
 - 5. Heating and air conditioning;
 - 6. Clothes closet or alcove with clothes rod or clothes rack permanently affixed or luggage rack or luggage support counter;

7. Twenty-four (24) hour free emergency telephone access to the front desk and to 911 services.

Subd. 1. Maintenance of Records. Every owner or operator of a lodging establishment, hotel or motel shall keep a register of persons who board or lodge in such establishment. The record is a written documentation of information about a guest that may be maintained electronically, in a book, or on cards:

- A. The record shall be kept on the premises in the guest reception or guest check-in-area or in an office adjacent to that area.
- B. No person shall alter, deface, or erase the record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct or interfere with any inspection of record under this section.
- C. Any record maintained in the form of a book shall be permanently bound, each page shall be sequentially numbered and the book shall be the minimum size of eight by ten inches and numbered consecutively and used in sequence. Any card numbered within the sequence of utilized cards shall be preserved as part of the record even if it is not used for a room rental. The numbers shall be printed or otherwise indelibly affixed to the cards. If maintained electronically, the record shall be printable.
- D. Nothing in this section absolves the owner or operator from maintaining the record for longer than ninety (90) days in order to comply with any other provision of law.

Subd. 2. Inspection of Premises. In order to ensure compliance with this ordinance, random inspections of the lodging establishment, hotel, or motel may occur. Notice of inspection shall be given seventy-two (72) hours prior to the inspection by personal service or certified mail.

Subd. 3. Inspection of Maintained Records. The maintained video, written, and electronic records shall be made available to any law enforcement officer made upon a reasonable request.

Section 105.4. Enforcement. Enforcement of this ordinance shall be directed by the City Administrator with the administrator delegating the enforcement to the appropriate department which may be the police department, building inspector, or city planner.

Section 105.5. Investigation. If a guest or employee of a lodging establishment, hotel or motel makes an emergency call for service or reports any suspicious or illegal activity going on at the lodging establishment, hotel or motel to law enforcement, the owner or operator of the lodging establishment, hotel or motel shall cooperate with law enforcement during the ongoing investigation.

CHAPTER 511

REPEAT NUISANCE SERVICE CALL

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 permit the City to best protect the public safety, health, and welfare of the entire Roseville community. The City finds that repeat service calls to the same property or location for nuisance events or activities, as defined herein, result in an undue drain on City resources and therefore prevent police, public safety, and other city services from appropriately responding to the broader public safety, health, and welfare needs of the City's residents.

The City further finds that repeat nuisance calls for service occur at both residential properties and commercial lodging establishments. In the City's experience, the drain on public safety resources for response to commercial lodging establishments is far greater than that for residential properties. In addition, the City finds that commercial lodging establishments, which by their nature predominantly involve invited guests on a for-profit arrangement, are in a heightened position to resolve repeat nuisance activity without the need for draining City resources.

Therefore, 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. (Ord. 1602, 10-25-2021)

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

511.03: REPEAT NUISANCE SERVICE CALL FEE

A. Repeat Nuisance Service Call Fee The City may impose a repeat nuisance call fee upon the owner or occupant of private property, except Commercial Lodging Establishments which is governed by Section 511.03 (B) of Roseville City Code, if the City has rendered services or responded to the property on three or more occasions within a period of (720) days in response to or for the abatement of nuisance conduct. The repeat nuisance service call fee shall be as established by the City Fee Schedule in Section 314.052 of the City Code.

B. Repeat Nuisance Service Call Fee (Commercial Lodging Establishments) The City may impose a repeat nuisance service call fee upon the owner or occupant of private property if the City has rendered services or responded on ten or more occasions in a month.

C. The repeat nuisance service call fee shall be as established by the City Fee Schedule in Section 314.052 of the City Code.

D. Any fees imposed by this section is subject to the exceptions and affirmative defenses in Section 511.05 of this code. (Ord 1602, 10-25-2021)

511.04: NOTICE

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

- A. Identify the nuisance conduct that has occurred on the property, and the dates of the nuisance conduct activity or condition;
- B. State that the owner or occupant may be subject to a repeat nuisance service call service fee if an additional nuisance call is rendered to the property for any

- further nuisance conduct;
- C. State that the City has the right to seek other legal remedies or actions for abatement of the nuisance conduct; and
- D. Service of Notice: Notices may be served by one (or more) of the following methods:
 - 1. In person; or
 - 2. By regular or certified mail; or
 - 3. By posting on site or premises

(Ord 1602 10-25-2021)

511.05: DELINQUENT PAYMENT and FEE RECOVERY

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

- A. Seek a monetary judgment and collection thereof from such owner and/or occupant, or
- B. Assess the property which was the subject of the nuisance conduct pursuant to Minn. Stat. § 429.101.

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

511.06: ENFORCEMENT

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

511.07: RIGHT TO APPEAL

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

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

The hearing shall be conducted by a hearing officer selected by the City Manager in

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

If the owner and/or occupant fails to appear at the scheduled hearing, the right of such person to a hearing is waived and the repeat nuisance service call fee shall be payable in accordance with Section 511.05 above. If the hearing officer determines that the repeat nuisance service call fee is warranted, the person or persons responsible for the fee shall pay the fee within ten (10) business days following the date that the written Findings of Fact and Conclusions are mailed. If the repeat nuisance service call fee is not paid within said ten (10) day period, it shall be deemed delinquent and the provisions of Section 511.05 pertaining to delinquent payments shall apply. (Ord 1602, 10-25-2021)

511.08: LEGAL REMEDIES NONEXCLUSIVE

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

511.09: EXCEPTIONS AND AFFIRMATIVE DEFENSES

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

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

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

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

1. Commenced eviction proceedings against the tenant or tenants responsible for the nuisance conduct, conditions or characteristics, or
2. Entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

E. MEMORANDUM OF UNDERSTANDING At the discretion of the City Enforcement Officials, repeat nuisance service call fees may be waived against an owner or occupant of a property who has entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct. (Ord. 1396, 9-20-2010) (Ord 1602, 10-25-2021)

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 10.a.

Department Approval



City Manager Approval



Item Description: Approve Payments

Background

State Statute requires the City Council to approve all payment of claims. The following summary of claims has been submitted to the City for payment.

ACH Payments	\$385,130.25
107197-107311	\$512,910.31
Total	\$898,040.56

A detailed report of the claims is attached. The City staff has reviewed the claims and considers them to be appropriate for the goods and services received.

Policy Objectives

Under MN State Statute, all claims are required to be paid within 35 days of receipt.

Racial Equity Impact Summary

Not applicable.

Budget Implications

All expenditures listed above have been funded by the current budget, from donated monies, or from cash reserves.

Staff Recommendations

Staff recommends approval of all payment of claims.

Requested Council Action

Motion to approve the payment of claims as submitted.

Prepared by: Joshua Kent - Assistant Finance Director

Attachments: 1. Attachment 1 - Checks for Approval 08.07.2023

Bank Reconciliation

Board Audit

User: Joshua.Kent
 Printed: 08/03/2023 - 8:13AM
 Date Range: 07/19/2023 - 08/01/2023
 Systems: 'AP'



Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 100 General Fund				
Department: 00 General Function				
0	Alaina Carrion	Void/Reissue of uncashed Bridge Loar	07/19/2023	1,473.00
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	6,102.28
Total for Department: 00 General Function				7,575.28
Department: 01 General Government				
0	Amazon.com- CC	Markers	07/20/2023	72.96
0	Custom Ink-CC	Commissioners Shirts	07/20/2023	983.44
0	DG Minnesota CS 2021, LLC	Solar Billing June 2023	07/26/2023	4,414.38
0	Dunkin Donuts-CC	Snacks for Flower Power Event	07/20/2023	29.13
0	Fikes, Inc.	Restroom Supplies	07/19/2023	155.69
0	Henry's Tavern Portland-CC	Conference Meal	07/20/2023	29.50
0	Hotel Eastlund Portland-CC	Conference Hotel	07/20/2023	858.44
0	ICMA-CC	Full Membership	07/20/2023	1,200.00
0	Innovative Office Solutions	Office Supplies	07/19/2023	714.69
0	McGough Property Management, LLC	Facility Management 6/2023 Expenses	07/19/2023	4,399.82
0	Metropolitan Tavern Portland-CC	Conference Dinner	07/20/2023	25.60
0	Nelsons Cheese & Deli-CC	Rotarty Day Lunch	07/20/2023	102.48
0	Sandstrom Land Management, LLC	City Hall Ground Care June 2023	07/19/2023	1,690.00
0	Time Saver Off Site Secretarial, Inc.	City Council & HRIEC Meetings	07/19/2023	734.25
0	Volgistics-CC	Vol. Database monthly payment	07/20/2023	234.00
0	Willamette Express Shuttle-CC	Conference Shuttle	07/20/2023	50.00
0	Xcel Energy	July Xcel Billings	07/19/2023	5,581.13
107200	ARAMARK Services	Coffee	07/19/2023	322.84
107214	David R. Cantu	July Billings	07/19/2023	431.50
107220	Erickson Electric Company, Inc.	City Hall Exhaust Fans	07/19/2023	869.56
107227	Huebsch, Inc.	Floor Mats	07/19/2023	152.12
107249	Robin Schroeder	Reimbursement for Mileage, Parking &	07/19/2023	1,038.69
107251	Shred-N-Go, Inc.	Admin Shredding Services	07/19/2023	71.89
107255	St. Paul Pioneer Press	S legals S Full Run	07/19/2023	247.45
107259	Trade Press Inc.	Roseville Volunteer Shirts	07/19/2023	200.00
107263	Viking Electric Supply, Inc.	Electrical Operating Supplies	07/19/2023	252.01
Total for Department: 01 General Government				24,861.57
Department: 02 Public Safety				
0	Amazon.com- CC	USB Switch	07/20/2023	62.76
0	Animals of Waltons Hollow-CC	PD Family Night Out Petting Zoo	07/20/2023	128.00
0	Arrowhead Scientific - CC	NIK Test Kits	07/20/2023	181.78
0	Arrowwood Resort-CC	Hotel - Conference	07/20/2023	100.00
0	Best Buy-CC	External CD Drives	07/20/2023	128.80
0	Bryan Anderson	Reimbursement for lunch as part of in'	07/19/2023	15.00
0	Car Wash Partners	June Wash Services	07/19/2023	408.00
0	Christine Marston	Reimbursement for lunch as part of in'	07/19/2023	33.21
0	Corner House-CC	Basic Forensic Interview Training - C.	07/20/2023	200.00
0	Cub Foods- CC	Flowers	07/20/2023	72.97
0	Dollar Tree-CC	Ballons	07/20/2023	29.53
0	Ebay Inc-CC	Flashlight Chargers	07/20/2023	73.72
0	Foam Factory-CC	Pick and pull grid, Charcoal Regular	07/20/2023	218.20

Check No.	Vendor/Employee	Transaction Description	Date	Amount
0	Greenhaven Printing	Business Cards - C. McCollor	07/19/2023	99.55
0	Holiday-CC	Fuel	07/20/2023	60.75
0	Innovative Office Solutions	Office Supplies	07/19/2023	312.77
0	Lunds & Byerlys-CC	EMS Appreciation Week Treats	07/20/2023	50.14
0	MACIA-CC	Membership/Subscription	07/20/2023	40.00
0	Metro Transit-CC	Outreach - Transit Card	07/20/2023	40.00
0	Mn EMS-CC	Program Renewal	07/20/2023	102.15
0	Motel 6 - CC	Motel Room - Outreach	07/20/2023	149.39
0	Northland Fools-CC	Training Courses	07/20/2023	210.09
0	PayPal-CC	Door Stops	07/20/2023	130.00
0	Philip Tanis	Reimbursment for lunch as part of an i	07/19/2023	20.89
0	Streicher's	CSO Uniform	07/19/2023	334.98
0	Suburban Ace Hardware-CC	Glue Spray	07/20/2023	21.45
0	Target- CC	Tent - Outreach	07/20/2023	150.72
0	USPCA-CC	Registration Fee	07/20/2023	150.00
0	USPS-CC	Stamps - Outreach	07/20/2023	25.20
0	Walgreens-CC	RX - Outreach	07/20/2023	28.62
107202	Aspen Mills Inc.	Uniforms - Z. Rickman	07/19/2023	1,228.85
107203	Batteries Plus Bulbs	Batteries	07/19/2023	597.86
107206	Bridging Inc	Appointment fee and Delivery	07/19/2023	270.00
107207	Caliber Collision	2021 Durango Pursuit, RO # 33110472	07/19/2023	3,860.30
107212	Comcast	Comcast Services 7/18 - 8/17/23	07/19/2023	223.30
107218	Eden K9 Consulting & Training Corp.	KATS Platinum 1 - 4 Dogs Annual Per	07/19/2023	348.00
107223	Galls, LLC	Patrol Uniform	07/19/2023	400.10
107235	Martin McAllister, Inc.	Public Safety Assessment - S. Thisius	07/19/2023	625.00
107236	Minnesota Occupational Health	Exam - S. Thisius	07/19/2023	382.00
107238	MN Office of Justice Programs	Registration for 2023 OJP Conference	07/19/2023	125.00
107245	Rainbow Party Arts	Family Day Event Vendor - Face Paint	07/19/2023	420.00
107246	Ramsey County	CAD Services for June	07/19/2023	33,876.81
107260	TransUnion Risk and Alternative	June 2023 Billing, Acct 212095	07/19/2023	261.80
107262	Verizon	Patrol Phones 5/27 - 6/26/23	07/19/2023	1,080.27
Total for Department: 02 Public Safety				47,277.96
Department: 03 Public Works				
0	Apple-CC	iCloud Storage	07/20/2023	1.98
0	Barnes & Noble-CC	Leadership Book	07/20/2023	20.34
0	CCP Industries Inc	OilSorb Industrial Pad	07/19/2023	100.24
0	Chad Fierstine	Class B License Reimbursement	07/26/2023	64.00
0	Dick's Sporting Goods-CC	90 Qt Latitu/W	07/20/2023	134.20
0	Emergency Automotive Tech Inc	Whelen Mini-Century Lightbar	07/19/2023	296.03
0	Factory Motor Parts, Co.	Steering Tie Rod End	07/19/2023	178.83
0	FleetPride	Vehicle Supplies	07/19/2023	424.94
0	Greenhaven Printing	Business Cards - L. Fleishhacker	07/19/2023	91.25
0	Home Depot- CC	Cedar Post	07/20/2023	37.84
0	Mansfield Oil Company of Gainesville,	CONV 87 OCT E-10	07/19/2023	11,530.74
0	McMaster-Carr	Vehicle Supplies	07/19/2023	262.93
0	Midway Ford Co.	Grey Ford Super Duty Repairs	07/19/2023	2,551.55
0	Premium Waters Inc	Monthly July	07/19/2023	5.33
0	Premium Waters Inc	Coffee	07/26/2023	77.74
0	Snap On-CC	Vehicle Supplies	07/20/2023	227.25
0	T. A. Schifsky & Sons, Inc.	Yard Purchases from 6/25 - 7/1/23	07/19/2023	4,153.38
0	T. A. Schifsky & Sons, Inc.	Yard Purchases 7/2 - 7/8/23	07/26/2023	2,458.61
107207	Caliber Collision	2016 Ford Super Duty Repairs	07/19/2023	2,250.37
107210	Cintas Corporation	Clothing	07/19/2023	85.40
107224	Grainger Inc	Grease Gun Hose, Grease Gun	07/19/2023	346.03
107229	Jeff Belzers Roseville Chrysler Dodge	Break Pads and Rotors	07/19/2023	6,320.90
107234	Martin Marietta Materials Inc	MV4 Wear REC-BM	07/19/2023	654.33
107246	Ramsey County	Ramsey County Fleet Support June	07/19/2023	109.20
107261	Tri State Bobcat, Inc	Tires	07/19/2023	211.48
107288	Martin Marietta Materials Inc	MV4 Wear Rec-BM	07/26/2023	643.42

Check No.	Vendor/Employee	Transaction Description	Date	Amount
		Total for Department: 03 Public Works		33,238.31
		Total for Fund:100 General Fund		112,953.12

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 101 General Fund Donations				
Department: 02 Public Safety				
0	High Pines-CC	Employee Recognition Annual Awards	07/20/2023	3,854.93
Total for Department: 02 Public Safety				3,854.93
Total for Fund:101 General Fund Donations				3,854.93

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 103 Contracted Engineering Svcs				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	95.15
0	Short Elliott Hendrickson, Inc.	Roseville Rosebud WT Verizon Decon	07/19/2023	4,465.59
107208	Jerry Carlson	Erosion Control Escrow Refund - EC2	07/19/2023	5,250.00
107265	Welsh Construction Corp	Erosion Control Escrow Refund - EC	07/19/2023	3,000.00
Total for Department: 00 General Function				12,810.74
Department: 03 Public Works				
0	Pirate Ship Postage-CC	1 Label Batch	07/20/2023	7.00
107305	Universal Services, Inc.	ROW Fees Reduced - ROW23-085	07/26/2023	440.00
Total for Department: 03 Public Works				447.00
Total for Fund:103 Contracted Engineering Svcs				13,257.74

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 110 Telecommunications				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	100.18
Total for Department: 00 General Function				100.18
Department: 01 General Government				
0	North Suburban Access Corp.	June Monthly Municipal Meeting Serv	07/19/2023	1,567.30
107241	Nystrom Publishing Co, Inc.	July/Aug City Newsletter	07/19/2023	6,975.21
107243	Postmaster-Mailing Requirements	For Deposit to PI 2437, July/Aug New	07/19/2023	4,032.92
Total for Department: 01 General Government				12,575.43
Total for Fund:110 Telecommunications				12,675.61

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 112 IT: Other Agency Operational				
Department: 01 General Government				
107237	Mn Dept of Employment & Econ Deve	Document ID 16353109, Account Nur	07/19/2023	1,587.00
Total for Department: 01 General Government				1,587.00
Total for Fund:112 IT: Other Agency Operational				1,587.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 200 Recreation Fund				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	423.15
Total for Department: 00 General Function				423.15
Department: 04 Recreation				
0	Amazon.com- CC	Staff Training Supplies	07/20/2023	594.60
0	Caribou Coffee- CC	Coffee	07/20/2023	42.49
0	Comcast-CC	Autumn Grove Comcast Services	07/20/2023	303.10
0	Company Promo-CC	Jacket	07/20/2023	49.97
0	Corporate Connection, Inc.	Clothing - T. Driesen	07/26/2023	343.90
0	DG Minnesota CS 2021, LLC	Solar Billing June 2023	07/26/2023	1,137.10
0	Dollar Tree-CC	John Brown Retirement Supplies	07/20/2023	18.82
0	Facebook-CC	Event Promotion	07/20/2023	7.04
0	Fun Express-CC	DYP Craft Supplies	07/20/2023	173.08
0	Lunds & Byerlys-CC	Cupcakes	07/20/2023	31.96
0	Mood Media-CC	Mood Media monthly payment	07/20/2023	70.00
0	Office Depot- CC	Toner, Office Supplies	07/20/2023	507.52
0	Pioneer Press-CC	Classified	07/20/2023	34.00
0	Signarama-CC	Yard Signs	07/20/2023	150.33
0	Target- CC	Rec Connect Supplies	07/20/2023	18.13
0	Uline-CC	Craft Supplies for Rec Connect	07/20/2023	68.88
0	Walgreens-CC	John Brown Retirement Supplies	07/20/2023	17.95
0	Walmart-CC	Passport Craft Supplies	07/20/2023	77.51
0	Xcel Energy	July Xcel Billings	07/19/2023	2,870.32
107215	Tytist Dean	DYP Special Guest	07/19/2023	100.00
107247	Todd Richard Sauers	Referee and Assigning Fees	07/19/2023	1,775.00
107248	Schmitt & Sons Transportation	Transportation Services - Anoka Aqua	07/19/2023	641.30
107268	Art Spark	Cartoons/Glow Week of June 19	07/26/2023	1,584.00
107273	City of Little Canada	Attn Park & Rec - Taylors Falls River	07/26/2023	988.00
107274	Conquer Ninja Gyms-Blaine, LLC	Field Trip 7/14	07/26/2023	771.30
107279	Get Messy LLC	Art Classes	07/26/2023	2,068.00
107281	Ingina, LLC	Minecraft/Robotic Pet/Drone Racing	07/26/2023	4,596.00
107291	On Site Companies-OSSTC	Portables - DYP Keller Mayflower	07/26/2023	300.00
107293	Postmaster-Mailing Requirements	Deposit to PI 2437 - Fall Brochure Pos	07/26/2023	5,838.20
107297	Schmitt & Sons Transportation	Valleyfair	07/26/2023	829.60
107311	All State Communications, Inc.	Installation of Cabling	07/26/2023	775.00
Total for Department: 04 Recreation				26,783.10
Total for Fund:200 Recreation Fund				27,206.25

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 204 P & R Contract Maintenance				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	307.18
Total for Department: 00 General Function				307.18
Department: 04 Recreation				
0	Carlin Sales-CC	Garden Supplies	07/20/2023	220.88
0	Fikes, Inc.	Restroom Supplies	07/26/2023	1,520.02
0	Fra Dor-CC	yard purchase	07/20/2023	1,716.80
0	Frattallones-CC	Garden Supplies	07/20/2023	375.22
0	Horizon Pools-CC	Hypochlorite solutions	07/20/2023	550.25
0	Jon Don-CC	Defoamer	07/20/2023	32.11
0	Menards-CC	Tools/ 2x10's	07/20/2023	359.19
0	MIDC Enterprises- CC	Bungee Cord	07/20/2023	401.74
0	SiteOne Landscapes-CC	Bulk Black Granite Chips	07/20/2023	279.45
0	Speedway-CC	Water for Flower Planting Volunteers	07/20/2023	13.98
0	Stantec Consulting Services Inc.	Restoration Willow Pond	07/26/2023	1,770.00
0	Suburban Ace Hardware-CC	Fertilizer	07/20/2023	209.17
107271	Beacon Athletics	Line Chalk, Prodry Calcined Clay	07/26/2023	2,339.40
107272	Cintas Corporation	Clothing	07/26/2023	2.66
107286	Lightning Disposal, Inc.	Service at 2277 N 36th Service Rd	07/26/2023	917.66
107294	Precision Landscape & Tree,Inc	Tree Removal	07/26/2023	5,834.00
107304	Trugreen Processing Center	Lawn Services	07/26/2023	12,812.98
107307	USDA APHIS General	Personnel Compensation, Supplies/Ma	07/26/2023	2,720.34
Total for Department: 04 Recreation				32,075.85
Total for Fund:204 P & R Contract Maintenance				32,383.03

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 260 Community Development				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	620.35
0	Mn Dept of Labor-CC	Building Permit Surcharge	07/20/2023	3,338.42
107276	Ehlers & Associates, Inc.	Dominium	07/26/2023	560.00
107295	Price Custom Homes	Constuction Deposit Refund, 2555 We	07/26/2023	1,000.00
Total for Department: 00 General Function				5,518.77
Department: 02 Public Safety				
0	Amazon.com- CC	Screen Protector for Tablet	07/20/2023	996.47
0	Innovative Office Solutions	Office Supplies	07/19/2023	36.41
0	T Mobile-CC	Inspector Cell Phones	07/20/2023	280.90
107283	John Kaintz	Plumbing Permit Refund, #P23-0315	07/26/2023	167.00
Total for Department: 02 Public Safety				1,480.78
Department: 10 Community Development				
0	Innovative Office Solutions	Office Supplies	07/19/2023	11.83
107255	St. Paul Pioneer Press	S legals S Full Run	07/19/2023	34.30
Total for Department: 10 Community Development				46.13
Total for Fund:260 Community Development				7,045.68

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 265 License Center				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	501.22
Total for Department: 00 General Function				501.22
Department: 01 General Government				
0	Amazon.com- CC	Furniture Leg Covers	07/20/2023	408.40
0	Costco-CC	Batteries	07/20/2023	15.11
0	Driver License Guide-CC	2023 I.D. Checking Guide	07/20/2023	31.95
0	Fikes, Inc.	Restroom Supplies	07/19/2023	38.92
0	Frattallones-CC	Keys	07/20/2023	25.68
0	Full Slate-CC	Renewal of unlimited appts for 5 staff	07/20/2023	49.95
0	Innovative Office Solutions	Office Supplies	07/19/2023	149.11
0	McGough Property Management, LLC	LC Facility Management 6/2023 Expe	07/19/2023	835.42
0	USPS-CC	Postage	07/20/2023	926.40
0	Xcel Energy	July Xcel Billings	07/19/2023	943.37
107209	CenturyLink	Account Number 651 766-4609 291	07/19/2023	48.92
107227	Huebsch, Inc.	Floor Mats (Partially paid with credit c	07/19/2023	30.13
Total for Department: 01 General Government				3,503.36
Total for Fund:265 License Center				4,004.58

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 270 Charitable Gambling				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	3.75
Total for Department: 00 General Function				3.75
Total for Fund:270 Charitable Gambling				3.75

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 290 Police Forfeiture Fund				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	2.43
Total for Department: 00 General Function				2.43
Total for Fund:290 Police Forfeiture Fund				2.43

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 400 Police Vehicle Revolving				
Department: 02 Public Safety				
0	Amazon.com- CC	Single Cell/ External Antenna	07/20/2023	612.38
0	Emergency Automotive Tech Inc	2023 Chevy Tahoe Build - Unit 2531	07/19/2023	8,125.23
107231	Knox Company	Equipment for Squad Builds	07/19/2023	7,063.00
Total for Department: 02 Public Safety				15,800.61
Total for Fund:400 Police Vehicle Revolving				15,800.61

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 401 Fire Vehicles Revolving				
Department: 02 Public Safety				
0	Amazon.com- CC	Exercise Bike	07/20/2023	800.77
107197	2nd Wind Exercise Equipment, Inc.	Leg Press - CIP Gym	07/19/2023	1,409.00
Total for Department: 02 Public Safety				2,209.77
Total for Fund:401 Fire Vehicles Revolving				2,209.77

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 402 Parks & Recreation Vehicle Rev				
Department: 04 Recreation				
0	Cushman Motor Co Inc	Holder Tractor Sidewalk Machine and	07/26/2023	8,500.00
Total for Department: 04 Recreation				8,500.00
Total for Fund:402 Parks & Recreation Vehicle Rev				8,500.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 403 Public Works Vehicle Revolving				
Department: 03 Public Works				
107302	Towmaster	INSTL TRUCK ROSEVILLE 106RC	07/26/2023	121,050.00
Total for Department: 03 Public Works				121,050.00
Total for Fund:403 Public Works Vehicle Revolving				121,050.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 409 Central Svcs Equip Revolving				
Department: 01 General Government				
107225	GreatAmerica Financial Services	Copier Rental	07/19/2023	332.00
Total for Department: 01 General Government				332.00
Total for Fund:409 Central Svcs Equip Revolving				332.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 410 Building Improvements				
Department: 01 General Government				
0	TreeTop Products-CC	Picnic Tables/Bench	07/20/2023	3,145.64
107199	All State Communications, Inc.	Installation of cabling - Engineering	07/19/2023	1,740.00
107257	Sun Control of Minnesota, Inc	3M Dusted Crystal Film Applied	07/19/2023	375.00
Total for Department: 01 General Government				5,260.64
Total for Fund:410 Building Improvements				5,260.64

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 411 Recreation Improvements				
Department: 04 Recreation				
0	Stantec Consulting Services Inc.	Restoration Reservoir Woods	07/26/2023	6,843.00
107303	Tree Trust	Tree Removals	07/26/2023	69,595.69
Total for Department: 04 Recreation				76,438.69
Total for Fund:411 Recreation Improvements				76,438.69

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 415 Roseville-John Rose Oval Proje				
Department: 04 Recreation				
107270	B32 Engineering Group, Inc.	MN Oval - Services provided 1/29/23	07/26/2023	2,974.87
Total for Department: 04 Recreation				2,974.87
Total for Fund:415 Roseville-John Rose Oval Proje				2,974.87

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 420 Tree Preservation Fund				
Department: 04 Recreation				
107303	Tree Trust	Tree Removals	07/26/2023	7,920.00
Total for Department: 04 Recreation				7,920.00
Total for Fund:420 Tree Preservation Fund				7,920.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 426 Park Renewal 2011				
Department: 04 Recreation				
0	Stantec Consulting Services Inc.	Restoration Villa Park	07/26/2023	12,744.49
Total for Department: 04 Recreation				12,744.49
Total for Fund:426 Park Renewal 2011				12,744.49

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 532 2012 Port Authority Bond				
Department: 12 Debt Service				
107205	Bond Trust Services Corp.	Ref: 82191-PA	07/19/2023	475.00
Total for Department: 12 Debt Service				475.00
Total for Fund:532 2012 Port Authority Bond				475.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 533 2015 TIF Bonds (2015A)				
Department: 12				
107205	Bond Trust Services Corp.	Ref: 82190-PA	07/19/2023	475.00
Total for Department: 12				475.00
Total for Fund:533 2015 TIF Bonds (2015A)				475.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 583 TIF #21 CPC Redevelopment				
Department: 10 Community Development				
107276	Ehlers & Associates, Inc.	General TIF Consulting	07/26/2023	585.63
Total for Department: 10 Community Development				585.63
Total for Fund:583 TIF #21 CPC Redevelopment				585.63

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 585 TIF District #17-Twin Lakes				
Department: 10 Community Development				
107276	Ehlers & Associates, Inc.	General TIF Consulting	07/26/2023	420.00
Total for Department: 10 Community Development				420.00
Total for Fund:585 TIF District #17-Twin Lakes				420.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 586 TIF #18 Sienna Green				
Department: 10 Community Development				
107276	Ehlers & Associates, Inc.	TIF Reporitng - 2022 Reports	07/26/2023	165.62
Total for Department: 10 Community Development				165.62
Total for Fund:586 TIF #18 Sienna Green				165.62

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 588 TIF District #20: McGough				
Department: 10				
107276	Ehlers & Associates, Inc.	General TIF Consulting	07/26/2023	585.62
Total for Department: 10				585.62
Total for Fund:588 TIF District #20: McGough				585.62

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 589 TIF District #22 Twin Lakes II				
Department: 10				
107276	Ehlers & Associates, Inc.	General TIF Consulting	07/26/2023	585.63
Total for Department: 10				585.63
Total for Fund:589 TIF District #22 Twin Lakes II				585.63

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 590 Street Construction				
Department: 03 Public Works				
0	City of St. Paul	Labor & Equipment for battery backup	07/19/2023	11,398.02
Total for Department: 03 Public Works				11,398.02
Total for Fund:590 Street Construction				11,398.02

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 600 Sanitary Sewer				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	165.75
107222	First American Title Company	Void/Reissue of uncashed SAC Fee Re	07/19/2023	50.00
107269	PETER AU	Refund Check 018415-000, 2069 WE	07/26/2023	19.62
107292	PAR 365	SAC Charge Refund, 2655 Patton Rd,	07/26/2023	2,485.00
Total for Department: 00 General Function				2,720.37
Department: 05 Sanitary Sewer				
0	ESS Brothers & Sons, Inc.	Contract Maintenance	07/19/2023	24,750.00
0	Flexible Pipe Tool Company	Ceramic Inserts	07/19/2023	480.15
0	InfoSend, Inc.	June Billings	07/26/2023	715.60
0	Stantec Consulting Services Inc.	2019-21 Grow-In Maintenance	07/19/2023	2,298.99
0	Xcel Energy	July Xcel Billings	07/19/2023	1,116.19
107203	Batteries Plus Bulbs	Batteries	07/19/2023	161.64
107252	Lisa Soltermann	Sewer Backup Reimbursement	07/19/2023	9,520.00
Total for Department: 05 Sanitary Sewer				39,042.57
Total for Fund:600 Sanitary Sewer				41,762.94

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 610 Water Fund				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	247.84
107204	JOSEPH BLAGEO	Refund Check 006025-000, 174 MIN	07/19/2023	48.70
107211	SHERRI CLEVELAND	Refund Check 022757-000, 211 WEV	07/19/2023	145.08
107216	TAYLOR DREES	Refund Check 024553-000, 544 RYA	07/19/2023	180.25
107217	PAT DUFFY	Refund Check 017519-000, 1056 TR	07/19/2023	96.72
107219	DEANNA EDWARDS	Refund Check 008535-000, 1236 SA	07/19/2023	72.63
107221	Estate of Beverly Erickson	Void/Reissue of uncashed UB check	07/19/2023	59.23
107226	LARRY & CONNIE HICKLE	Refund Check 011337-000, 440 WOC	07/19/2023	109.34
107228	IMPRESSIVE PRINT	Refund Check 018437-000, 1995 OA	07/19/2023	285.17
107230	CLAUDETTE KEMPER	Refund Check 006325-000, 2942 NO	07/19/2023	36.41
107232	COLE KOURGELIS	Refund Check 025405-000, 2771 GA	07/19/2023	186.72
107233	L Z MFG CO INC	Refund Check 007129-000, 1881 RIC	07/19/2023	48.00
107240	MATTHEW NELSON	Refund Check 016376-000, 2779 WO	07/19/2023	522.92
107256	MARGARET STEFFANSON	Refund Check 021513-000, 1110 RO	07/19/2023	202.89
107258	MARK TIEMANN	Refund Check 009392-000, 2425 VIC	07/19/2023	7.96
107264	MICHAEL & PHYLLIS WELSH	Refund Check 020985-000, 1060 W C	07/19/2023	196.45
107266	Anne Wilson	Void/Reissue of uncashed UB Refund	07/19/2023	18.33
107269	PETER AU	Refund Check 018415-000, 2069 WE	07/26/2023	118.93
107280	AUSTIN & MARY INDRITZ	Refund Check 012283-000, 2425 HO	07/26/2023	128.80
107282	KYLE & EMILY JAMISON	Refund Check 024969-000, 2475 CH	07/26/2023	176.30
107284	JAMES LANG	Refund Check 009195-000, 315 TRA	07/26/2023	106.88
107285	LISA LEMAY	Refund Check 000480-000, 1159 AU	07/26/2023	91.84
107287	MARK LIMKEMAN	Refund Check 022528-000, 2915 HIL	07/26/2023	104.38
107289	THERESA MARTY	Refund Check 012594-000, 1445 RO	07/26/2023	208.28
107296	RESI SFR SUB, LLC	Refund Check 023697-000, 2059 HA	07/26/2023	303.67
107298	KRISTINE SORENSEN	Refund Check 003806-000, 2812 GRI	07/26/2023	43.56
107310	JASON & ERIN WEGLEITNER	Refund Check 025987-000, 2057 DA	07/26/2023	189.55
Total for Department: 00 General Function				3,936.83
Department: 06 Water Fund				
0	Amazon.com- CC	Work Pants	07/20/2023	59.98
0	Appointment Plus-CC	Annual Silver Teir	07/20/2023	100.33
0	Ferguson Waterworks #2518	Operating Supplies	07/19/2023	826.08
0	Ferguson Waterworks #2518	Operating Supplies	07/26/2023	24,311.40
0	InfoSend, Inc.	June Billings	07/26/2023	715.62
0	Suburban Ace Hardware-CC	Grind Wheel	07/20/2023	12.85
0	T. A. Schifsky & Sons, Inc.	Yard Purchases 7/2 - 7/8/23	07/26/2023	1,109.60
107198	Advanced Engineering & Environment	Financial Services, June 2023	07/19/2023	16,058.03
107250	Shaw Trucking, Inc.	Haul Waterbreak Spoils	07/19/2023	3,510.00
107253	Specialized Environmental Tech, Inc.	Mixed B/YW-Ncmpctd-CY	07/19/2023	80.00
107277	Erickson Electric Company, Inc.	Space Panel & Cover/ Labor/ Mileage	07/26/2023	993.44
107278	Fra-Dor Inc.	Clean Concrete	07/26/2023	378.25
107308	Valley Rich Co., Inc.	2041 Fairview Ave	07/26/2023	45,052.74
Total for Department: 06 Water Fund				93,208.32
Total for Fund:610 Water Fund				97,145.15

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 620 Golf Course				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	210.37
Total for Department: 00 General Function				210.37
Department: 07 Golf Course				
0	Amazon.com- CC	Slatwall Retail Mirror	07/20/2023	128.50
0	Batteries Plus-CC	18V	07/20/2023	131.90
0	Fastsigns-CC	Signs	07/20/2023	163.75
0	Frattallones-CC	Fasteners, Sockets	07/20/2023	27.41
0	Hejny Rental Inc-CC	Rental Equipment	07/20/2023	320.43
0	Home Depot- CC	Router bit set, ant killer	07/20/2023	147.23
0	Lettermen Sports-CC	Embroidery for Clothing Sales	07/20/2023	533.48
0	Menards-CC	AC2 Green Treated Pick, Pine Brick N	07/20/2023	398.54
0	Northern Tool & Equip- CC	Clerk Stool	07/20/2023	85.67
0	Serving Alcohol-CC	Alcohol Training	07/20/2023	38.12
0	Steven Anderson	Mileage Reimbursement 4/14/23 - 7/16	07/26/2023	88.43
107254	St. Albans Church	Void/Reissue of uncashed banquet room	07/19/2023	200.00
107275	DLL Finance LLC	Installment Due	07/26/2023	1,875.00
107291	On Site Companies-OSSTC	Portables - Cedarholm	07/26/2023	573.20
107301	Tio's Food and Beverage	Concessions Sold July 3 - July 16	07/26/2023	836.67
107306	US Bank	League Prize Money for Payouts - Golf	07/26/2023	900.00
107309	The Vernon Company	League Birdie Pins	07/26/2023	1,311.31
Total for Department: 07 Golf Course				7,759.64
Total for Fund:620 Golf Course				7,970.01

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 640 Storm Drainage				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	178.63
Total for Department: 00 General Function				178.63
Department: 08 Storm Water				
0	ESS Brothers & Sons, Inc.	Storm Sewer Catch Basin Repair	07/19/2023	49,950.00
0	InfoSend, Inc.	June Billings	07/26/2023	715.62
0	Sandstrom Land Management, LLC	Mowing Evergreen Park Ditch	07/19/2023	11,242.40
0	Time Saver Off Site Secretarial, Inc.	PWETC Meeting	07/19/2023	272.25
0	WSB & Associates, Inc.	2023 Pond Maintenance, May 2023 Se	07/19/2023	15,285.60
107213	Davey Resource Group, Inc.	Brenner Basin 2023 Maintenance	07/19/2023	67,880.07
107239	MNL	Weed Control Visit 6/27/23	07/19/2023	225.00
107244	Precision Landscape & Tree,Inc	Brush Removal	07/19/2023	1,879.06
Total for Department: 08 Storm Water				147,450.00
Total for Fund:640 Storm Drainage				147,628.63

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 650 Solid Waste Recycle				
Department: 00 General Function				
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	31.69
107269	PETER AU	Refund Check 018415-000, 2069 WE	07/26/2023	2.26
Total for Department: 00 General Function				33.95
Department: 09 Recycle				
0	Eureka Recycling	Monthly Recycling Charge	07/19/2023	70,723.84
Total for Department: 09 Recycle				70,723.84
Total for Fund:650 Solid Waste Recycle				70,757.79

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 700 Workers Compensation				
Department: 00 General Function				
107201	Josh Arneson	Void/Reissue of uncashed Consideratic	07/19/2023	100.00
Total for Department: 00 General Function				100.00
Total for Fund:700 Workers Compensation				100.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 710 Risk Management				
Department: 00 General Function				
107242	OECS - 170064	Safety Services for August 2023	07/19/2023	525.00
107300	Stericycle, Inc.	Steri-safe economy monthly	07/26/2023	309.90
Total for Department: 00 General Function				834.90
Total for Fund:710 Risk Management				834.90

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 722 HRA Property Abatement Program				
Department: 00 General Function				
107290	Montgomery Brinkman, LLC	Dispatched techs 6/13/23 1415 County	07/26/2023	2,201.00
Total for Department: 00 General Function				2,201.00
Total for Fund:722 HRA Property Abatement Program				2,201.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 723 HRA Operating Fund				
Department: 00 General Function				
0	Center for Energy and Environment	Waldron - 2843 Fernwood	07/26/2023	32,823.00
Total for Department: 00 General Function				32,823.00
Total for Fund:723 HRA Operating Fund				32,823.00

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 725 EDA Operating Fund				
Department: 00				
0	Center for Energy and Environment	Home Energy Squad Planner Visits/At	07/26/2023	3,450.00
0	LINA	Bill Reference 15688_070123, Accour	07/26/2023	54.76
Total for Department: 00				3,504.76
Total for Fund:725 EDA Operating Fund				3,504.76

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Fund: 727 SE Roseville				
Department: 00 General Function				
107299	St. Paul Area Chamber of Commerce	Rice and Larpenteur - June Services 20	07/26/2023	10,416.67
Total for Department: 00 General Function				10,416.67
Total for Fund:727 SE Roseville				10,416.67

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 10.b.

Department Approval



City Manager Approval



Item Description: Approve 1 Temporary Gambling Permit and 2 Temporary Liquor Licenses

Background

Chapter 301 of the City Code requires all applications for business and other licenses to be submitted to the City Council for approval. The following applications are submitted for consideration:

Temporary Gambling Permit

Roseville American Legion Auxiliary 542
700 W County Road C
Roseville, MN 55113

Roseville American Legion Auxiliary 542 is a veterans group which is holding a raffle at Rosetown American Legion, 700 W County Road C on September 17, 2023.

Temporary Liquor License

Saint Rose of Lima Catholic Church
2048 Hamline Ave N.
Roseville, MN 55113

Saint Rose of Lima Catholic Church is holding a fundraising event at the Parish Center on October 14, 2023. This is their 2nd event in 2023. Their total number of days is 2 out of the limit of 12 for the calendar year.

Friends of Roseville Parks
2660 Civic Center Dr.
Roseville, MN 55113

Friends of Roseville Parks is hosting Tapped and Uncorked at the John Rose Skating Oval, 2661 Civic Center Dr. on September 22, 2023. Their total number of days is 1 out of the limit of 12 for the calendar year.

Policy Objectives

Required by City Code

Racial Equity Impact Summary

There is no anticipated racial equity impact.

Budget Implications

The correct fees were paid to the City at the time the application(s) were made.

Staff Recommendations

42 Staff has reviewed the application(s) and has determined that the applicant(s) meet all City
43 requirements. Staff recommends approval of the license(s).

44
45 **Requested Council Action**

46 Motion to approve the Temporary Gambling Permit for Roseville American Legion Auxiliary 542, and the
47 Temporary Liquor License for Saint Rose Church, and Friends of Roseville Parks.

48
49 **Prepared by:** Katie Bruno

- Attachments:**
- 1. Rosetown American Legion Application
 - 2. Saint Rose Application
 - 3. Friends of Roseville Parks Application

50

MINNESOTA LAWFUL GAMBLING

LG220 Application for Exempt Permit

4/23
Page 1 of 3

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Rosetown American Legion Auxiliary 542

Previous Gambling Permit Number: X- 94955-23-006

Minnesota Tax ID Number, if any: 416054769

Federal Employer ID Number (FEIN), if any: _____

Mailing Address: 700 W County Rd C

City: Roseville State: MN Zip: 55113 County: Ramsey

Name of Chief Executive Officer (CEO): Carole Caswell

CEO Daytime Phone: 651-631-2772

CEO Email: -

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): gwenholets@gmail.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal

☐ Religious

☒ Veterans

☐ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☐ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:

www.sos.state.mn.us

651-296-2803, or toll free 1-877-551-6767

☐ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☒ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Rosetown American Legion

Physical Address (do not use P.O. box): 700 W County Rd C

Check one:

☒ City: Roseville Zip: 55113 County: Ramsey

☐ Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): 09-12-2023

Check each type of gambling activity that your organization will conduct:

☐ Bingo

☐ Paddlewheels

☐ Pull-Tabs

☐ Tipboards

☒ Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LG220 Application for Exempt Permit**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)****CITY APPROVAL
for a gambling premises
located within city limits**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- ☐ The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

**The city or county must sign before
submitting application to the
Gambling Control Board.**

**COUNTY APPROVAL
for a gambling premises
located in a township**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- ☐ The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Carole Caswell Date: 07-27-23
(Signature must be CEO's signature; designee may not sign)

Print Name: Carole Caswell**REQUIREMENTS****Complete a separate application for:**

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS**Mail application with:**

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

An equal opportunity employer



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 1600, St. Paul, MN 55101
 651-201-7507 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization		Date organized	Tax exempt number
Saint Rose of Lima Catholic Church		9/1/1941	8570281
Address	City	State	Zip Code
2048 Hamline Ave. No.	Roseville	Minnesota	55113
Name of person making application		Business phone	Home phone
Joseph Juare jjuaire@saintroseoflima.net		651-357-1204	
Date(s) of event	Type of organization ☐ Microdistillery ☐ Small Brewer		
October 14, 2023	☐ Club ☐ Charitable ☒ Religious ☐ Other non-profit		
Organization officer's name	City	State	Zip Code
Father Marc Paveglio	Roseville	Minnesota	55113
Organization officer's name	City	State	Zip Code
		Minnesota	
Organization officer's name	City	State	Zip Code
		Minnesota	

Location where permit will be used. If an outdoor area, describe.
 Parish Center, Lower level

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
 Catholic Mutual Insurance, \$1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Date Fee Paid	City or County E-mail Address
	City or County Phone Number
Signature City Clerk or County Official	Please Print Name of City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 1600, St. Paul, MN 55101
 651-201-7507 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Friends of Roseville Parks		Date of organization Jan 1, 1969	Tax exempt number 41-13123-80
Organization Address (No PO Boxes) 2660 Civic Center Drive	City Roseville	State Minnesota	Zip Code 55113
Name of person making application Kori L DeJong	Business phone 612.508.2632	Home phone [REDACTED]	
Date(s) of event September 22, 2023	Type of organization ☐ Microdistillery ☐ Small Brewer ☐ Club ☐ Charitable ☐ Religious ☒ Other non-profit		
Organization officer's name Debby Wilmus - President	City Roseville	State Minnesota	Zip Code 55113
Organization officer's name Linda Carlson - 1st VP	City Roseville	State Minnesota	Zip Code 55113
Organization officer's name Laura Peterson - 2nd VP	City Roseville	State Minnesota	Zip Code 55113
Location where permit will be used. If an outdoor area, describe. 2661 Civic Center Drive, Roseville, MN 55113 John Rose Skating Oval			

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
 \$2,000,000
 Marsh & McLennon Agency LLC
 6160 Golden Hills Drive

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Event in conjunction with a community festival ☐ Yes ☒ No	City or County E-mail Address
Current population of city	

Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event
No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US

REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 10.c.

Department Approval



City Manager Approval



Item Description: Receive Second Quarter Financial Report

Background

The second quarter of 2023 is complete and financial results are available. The Finance Director prepared the attached second quarter financial report for Council review. This report shows budget versus actual performance for the period ending June 30, 2023.

The financial report includes those programs and services that constitute the City's core functions and for which changes in financial trends can have a near-term impact on the ability to maintain current service levels. Programs such as debt service and tax increment financing which are governed by pre-existing obligations and restricted revenues are not shown. In addition, expenditures in the City's capital improvement funds are not shown as these expenditures are specifically tied to pre-established capital reserve funds. Unlike some of the City's operating budgets, these reserve funds are not typically susceptible to year-to-year fluctuations. In these instances, annual reviews are considered sufficient. Enterprise funds do record both operations and capital within the fund as the revenues and reserves pay for operations and capital improvements.

The information is presented strictly on a cash basis which measures only the *actual* revenues that have been deposited and the *actual* expenditures that have been paid, except for the Enterprise funds (Water, Sewer, Storm and Recycling) where revenues are based on amounts billed in the first three months of the year. This is in contrast with the City's audited year-end financial report which attempts to measure revenues earned but not collected, as well as costs incurred but not yet paid.

It should be noted that some of the City's revenue streams such as property taxes and intergovernmental revenues, are non-recurring or are received intermittently throughout the year. This can result in wide revenue fluctuations from month to month. In addition, some of the City's expenditures are also non-recurring and subject to wide fluctuations. The financial report footnotes those areas where fluctuations occur during the year. At this point in time, 50% of the year has passed and that sets the estimated benchmark for the second quarter report.

General Fund Summary - The General Fund includes the activities associated with the City's police, fire, streets, administration & finance, legal, and other general functions. Property tax revenue and state aid are the largest revenue sources for this fund. The general fund reserves carry the operations in this fund until property taxes are received from Ramsey County in June. State Aids are received in May, September and October. As a result, second quarter revenues are only at 37%. Expenditures are trending below the benchmark as several cost areas are paid out in the later part of the year as footnoted on the report. The percentage collected and expenditure through June of 2023 is consistent with the 2022 second quarter for the General Fund.

Parks and Recreation Fund Summary – Non-Tax Revenues are running slightly ahead of 50%. This is due to several park building rentals reserved at the beginning of the year and program participation reserved in advance of the various programs. As these programs are seasonal, the expenditures are

tracking below 50% as many of the programs are operated in the summer and fall. The 2023 revenues and expenses are consistent with the prior year as of June 30th.

Information Technology Fund Summary – Antennae lease payments are lagging slightly but that is a function of the due dates on the various leases. Some leases are annual payments and some are monthly. Expenditures in this fund meet the expected 50%. This fund will be merged into the general fund as part of the 2024 budget process.

Community Development Fund – This fund has some seasonality with building permits. However, the Community Development Director has noted that there is a definite reduction in building activity and that is reflected in the revenues. In 2022, revenue collections were at 50% for the same period in time. Expenditures are currently tracking less than anticipated, which may be related to the slowdown in building activity. Sufficient reserves exist in this fund to weather any under-performance on the revenue side.

Communications Fund Summary – Cable franchise fees are the largest revenue source for this fund. Franchise fees are received a month after the end of the quarter, so there is a lag until year end when we record accruals. Expenditures are slightly below 50%, but this is consistent with prior years.

License Center Fund Summary – The License Center revenues are on point and expenditures are tracking below the benchmark. If this trend continues, this fund should end the year in the approved reserve level range of 10-15.

Sanitary Sewer Fund Summary – The Sanitary Sewer Fund revenues and expenditures are near expected levels. Capital expenditures and transfer out will occur later in the year. Expenditures are tracking slightly higher as we have seven months of MCES charges paid through June 30.

Water Fund Summary – Water Fund revenues and expenditures are near expected levels. Expenditures can fluctuate during the year based on water consumption. Expenditures are consistent with prior year expenditures at this point in time. Revenues are running slightly higher as a result of the under billed amounts. In the first quarter utility bills, \$437,426 of the under billing has been billed. For those accounts that are spread over all 4 quarters, we will be billing \$137,291 per quarter through the end of the year, which will be a total of \$411,872 over the three remaining quarters.

Storm Sewer Fund Summary – Storm Sewer Fund revenues are trending slightly higher than expected as the budget amount was conservative and based on the 2022 budget. For the 2024 budget, a more refined revenue projection will be used. The rate increases approved have factored in future capital needs in this fund. Expenditures are running lower than anticipated however that is consistent with the second quarter of 2022. Capital expenditures and transfers out will occur later in the year.

Recycling Fund Summary – Recycling Fund revenues are near expected levels. Expenditures are below expected as the new sustainability specialist position was vacant for five months, 25% of that position is charged to this fund. Percentages are consistent with prior year.

Golf Course Fund Summary – The golf course activity is seasonal in nature, which impacts both the revenues and the expenditures in this fund. Building rental revenue is up significantly, currently at 74% of the amount budgeted. Revenues are running 8.5% higher than the same period of time in 2022.

The City's overall financial condition remains strong and Finance has not noted any worrisome variances in the operating funds for the second quarter of 2023. Variances that have occurred are noted and explained on the attached financial report. There are no budget adjustments necessary at this point in time.

Policy Objectives

The information presented above satisfies the reporting requirements in the City's Operating Budget Policy.

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Racial Equity Impact Summary

There is no equity impact

Budget Implications

Not applicable.

Staff Recommendations

Not applicable.

Requested Council Action

For informational purposes only. No formal Council action is requested

Prepared by: Michelle Pietrick, Finance Director

Attachments: 1. 2nd Qtr report

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Fund/Division	2023 Original Budget	2023 Amended Budget	Actual thru June 2023	Benchmark 50% Percent of Budget	
GENERAL OPERATING FUND					
GENERAL FUND - REVENUES					
Taxes	\$ 16,214,872	\$ 16,214,872	\$ 6,081,941	37.51%	A
Intergovernmental	\$ 1,807,000	\$ 1,807,000	\$ 480,684	26.60%	B
Charges for Services	\$ 1,271,800	\$ 1,271,800	\$ 682,802	53.69%	
Licenses & Permits	\$ 469,000	\$ 469,000	\$ 137,992	29.42%	C
Other Revenues	\$ 233,463	\$ 233,463	\$ 101,327	43.40%	
Transfers In	\$ 497,100	\$ 497,100	\$ 90,617	18.23%	D
Total Revenues	\$ 20,493,235	\$ 20,493,235	\$ 7,575,363	36.97%	
GENERAL FUND - EXPENDITURES					
General Government					
City Council	\$ 289,240	\$ 289,240	\$ 226,262	78.23%	I
Administration	\$ 1,457,559	\$ 1,457,559	\$ 564,739	38.75%	H
Elections	\$ 102,126	\$ 102,126	\$ 50,742	49.69%	
Legal Services	\$ 395,238	\$ 395,238	\$ 153,596	38.86%	G
Finance	\$ 825,110	\$ 825,110	\$ 379,136	45.95%	
Central Services	\$ 53,500	\$ 53,500	\$ 17,321	32.38%	F
General Insurance	\$ 70,000	\$ 70,000	\$ 35,000	50.00%	
Total General Government	\$ 3,192,773	\$ 3,192,773	\$ 1,426,796	44.69%	
Public Safety					
Police	\$ 10,317,535	\$ 10,317,535	\$ 4,374,620	42.40%	F
Fire	\$ 3,980,339	\$ 3,980,339	\$ 1,733,823	43.56%	F
Fire Relief	\$ 46,500	\$ 46,500	\$ -	0.00%	
Total Public Safety	\$ 14,344,374	\$ 14,344,374	\$ 6,108,443	42.58%	
Public Works					
Administration	\$ 1,091,993	\$ 1,091,993	\$ 423,386	38.77%	H, M
Streets	\$ 1,241,625	\$ 1,241,625	\$ 509,672	41.05%	F, K
Central Garage	\$ 227,520	\$ 227,520	\$ 144,163	63.36%	F
Building Maintenance	\$ 424,950	\$ 424,950	\$ 233,807	55.02%	
Street Lighting	\$ 190,000	\$ 190,000	\$ 89,493	47.10%	
Total Public Works	\$ 3,176,088	\$ 3,176,088	\$ 1,400,521	44.10%	
Total Expenditures	\$ 20,713,235	\$ 20,713,235	\$ 8,935,760	43.14%	
Revenues Over (Under) Expenditures	\$ (220,000)	\$ (220,000)	\$ (1,360,397)		
OTHER OPERATING FUNDS					
PARKS AND RECREATION FUNDS					
Taxes	\$ 3,125,230	\$ 3,125,230	\$ 1,171,809	37.50%	A
Other Revenues	\$ 2,501,910	\$ 2,501,910	\$ 1,414,274	56.53%	J
Transfers In	\$ 20,500	\$ 20,500	\$ -	0.00%	
Expenditures - Operating	\$ 5,647,640	\$ 5,647,640	\$ 2,290,629	40.56%	J
Revenues Over (Under) Expenditures	\$ -	\$ -	\$ 295,454		
INFORMATION TECHNOLOGY FUND					
Taxes	\$ 110,677	\$ 110,677	\$ 41,499	37.50%	A
Other Revenues	\$ 530,864	\$ 530,864	\$ 221,650	41.75%	
Transfers In	\$ 165,000	\$ 165,000	\$ 100,000	60.61%	D
Expenditures - Operating	\$ 857,141	\$ 857,141	\$ 428,303	49.97%	H
Revenues Over (Under) Expenditures	\$ (50,600)	\$ (50,600)	\$ (65,154)		
COMMUNITY DEVELOPMENT FUND					
Revenues	\$ 1,998,420	\$ 1,998,420	\$ 806,613	40.36%	
Expenditures - Operating	\$ 1,810,479	\$ 1,810,479	\$ 766,168	42.32%	M
Revenues Over (Under) Expenditures	\$ 187,941	\$ 187,941	\$ 40,445		

Fund/Division	2023 Original Budget	2023 Amended Budget	Actual thru June 2023	Benchmark 50% Percent of Budget	
COMMUNICATIONS FUND					
Taxes	\$ 126,890	\$ 126,890	\$ 47,578	37.50%	A
Other Revenues	\$ 422,500	\$ 422,500	\$ 105,715	25.02%	D
Expenditures - Operating	\$ 575,390	\$ 575,390	\$ 255,974	44.49%	
Revenues Over (Under) Expenditures	\$ (26,000)	\$ (26,000)	\$ (102,681)		
LICENSE CENTER FUND					
Revenues	\$ 2,101,000	\$ 2,101,000	\$ 881,334	41.95%	
Expenditures - Operating	\$ 1,892,830	\$ 1,892,830	\$ 819,518	43.30%	
Transfers Out	\$ 302,000	\$ 302,000		0.00%	D
Revenues Over (Under) Expenditures	\$ (93,830)	\$ (93,830)	\$ 61,816		
ENTERPRISE FUNDS					
WATER UTILITY FUND					
Operating Revenues and Grants	\$ 7,330,000	\$ 7,330,000	\$ 3,370,194	45.98%	L
Transfers In	\$ 500,000	\$ 500,000		0.00%	
Expenditures - Operating	\$ 6,764,085	\$ 6,764,085	\$ 3,018,887	44.63%	F
Transfers Out, Capital & Debt Service	\$ 1,166,100	\$ 1,166,100	\$ 335,225	28.75%	H
Revenues Over (Under) Expenditures	\$ (100,185)	\$ (100,185)	\$ 16,082		
SANITARY SEWER UTILITY FUND					
Operating Revenues and Grants	\$ 6,000,000	\$ 6,000,000	\$ 2,835,835	47.26%	L
Expenditures - Operating	\$ 4,339,099	\$ 4,339,099	\$ 2,251,807	51.90%	
Transfers Out and Capital	\$ 1,085,000	\$ 1,085,000	\$ 237,221	21.86%	H
Revenues Over (Under) Expenditures	\$ 575,901	\$ 575,901	\$ 346,807		
STORM WATER UTILITY FUND					
Operating Revenues and Grants	\$ 2,179,929	\$ 2,179,929	\$ 1,146,368	52.59%	
Expenditures - Operating	\$ 1,363,700	\$ 1,363,700	\$ 387,100	28.39%	F
Transfers Out and Capital	\$ 1,470,000	\$ 1,470,000	\$ 150,908	10.27%	H
Revenues Over (Under) Expenditures	\$ (653,771)	\$ (653,771)	\$ 608,360		
RECYCLING UTILITY FUND					
Revenues	\$ 955,500	\$ 955,500	\$ 495,690	51.88%	
Expenditures - Operating	\$ 987,425	\$ 987,425	\$ 458,388	46.42%	M
Revenues Over (Under) Expenditures	\$ (31,925)	\$ (31,925)	\$ 37,302		
GOLF COURSE FUND					
Revenues	\$ 425,800	\$ 425,800	\$ 264,694	62.16%	J
Expenditures	\$ 495,860	\$ 495,860	\$ 218,775	44.12%	J
Revenues Over (Under) Expenditures	\$ (70,060)	\$ (70,060)	\$ 45,919		

Tickmark Explanations for Budget VS Actual Variances

- A. Taxes will be received in June/July and December/January – at this point roughly 37.5% is collected
- B. State Aids and other grants are received later in the year – current collection consistent with 2022
- C. Majority of these revenues are received later in the year, current collection consistent with 2022
- D. Majority of transfers are recorded at year end
- E. Franchise fees are received quarterly at the end of the following month-consistent practice
- F. Internal allocations for Garage, Phones, copier and IT costs are done quarterly/semiannually at the end of the following month – this is noted in several funds and is consistent with prior years
- G. Legal service invoices for five months only - this is consistent with prior years
- H. Professional services, training, capital costs occur later in the year-consistent with 2022
- I. community grants and some professional services are annual invoices and have been paid – consistent with prior year expenditures
- J. Parks & Rec is seasonal in nature - fees and building rental are coming in higher than expected and higher than 2022, expenditures occur more heavily in summer and fall – consistent with 2022
- K. Professional services and maintenance costs occur in 4th quarter-percentage is consistent with 2022
- L. Utility revenues are based on service delivery, bills issued in Jan and Feb of 2023 are partially accrued back to the 2022 books as they are for services delivered in 2022. This is an annual occurrence. Also includes \$437,426 of under billings billed in 1st quarter.
- M. Budget includes 35% of the new sustainability specialist in Recycling and 35% in Community Development and 30% in Public Works – this position was filled by June 1, so there will be some cost savings

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 10.d.

Department Approval

Janice Gundlach

City Manager Approval

Sam F. Trueman

Item Description: Adopt a resolution approving the Danny Boy Estates final plat, and authorize execution of the Danny Boy Estates development agreement

Background

Preliminary Plat Approval

On July 10, 2023, the City Council adopted Resolution No. 12003 approving the Danny Boy Estates preliminary plat creating lots to facilitate individual ownership of ten twin home dwellings with the following conditions:

1. Pursuant to the memo from Public Works Department staff, the applicant shall create a homeowners association for maintenance of the shared driveway and storm water BMPs, and shall enter into an agreement pertaining to the public water and sanitary sewer improvements in the site.
2. Pursuant to the comments from Parks and Recreation Department staff, the applicant shall submit payment of the \$38,250 park dedication fee before the City will release the signed mylars for recording at Ramsey County.

An excerpt of the July 10 City Council meeting minutes and a copy of Resolution No. 12003 are included with this RCA as Attachment 2.

Final Plat

The proposed final plat, which is identical to the approved preliminary plat, is included with this RCA as Attachment 3.

Development Agreement

As part of the Danny Boy Estates redevelopment, the applicant has worked with the City to develop a project agreement (included with this RCA as Attachment 4) required for the construction of public sanitary sewer and public water main needed to serve the development.

All work would be done through the developer's contractor. All costs for the improvements will be paid by the developer. The estimated cost of construction of the public infrastructure is \$98,490. The developer will provide a construction security in the amount of 150% of the estimated cost of construction, \$147,735, in the event the developer fails to perform. The City will observe the construction and the developer will pay the City \$3,939 for the corresponding staff time. The new sanitary sewer main and water main will be owned and maintained by the City indefinitely and will exist in a drainage and utility easement. In addition, the developer shall convey to the City a 28 foot wide ingress and egress easement that shall be recorded concurrently with the Final Plat. A sketch and description of this ingress/egress easement is included as part of Attachment 3.

The public improvements are planned to be completed by December 31, 2023.

Public Comment

As of the time this RCA was prepared, no additional comments from the public about the proposed plat have been received by Planning Division staff.

Policy Objectives

The request relates to the following policy objectives:

- Establish public-private partnerships to ensure life-cycle housing throughout that City attracts and retains a diverse mix of people, family types, economic statuses, ages, and so on.
- Explore opportunities to encourage smaller housing units, “non-traditional” housing development (which could include culturally-appropriate housing to reflect the population demographics of the City), and opportunities to address the lack of housing in the “missing middle” styles.
- Approve final plat applications that are substantially the same as the approved preliminary plat.
- Keep City-owned infrastructure in good operating condition and to keep systems operating in a safe condition.

Racial Equity Impact Summary

A land use request like this is considered routine in nature as it meets all requirements of the Comprehensive Plan and Zoning Code. As such, specific impacts to racial equity have not been considered.

Budget Implications

The request has the following budget implications:

- The estimated cost of these improvements, based on preliminary figures provided by the developer’s contractor, is approximately \$98,490. The developer will provide a construction security in the amount of 150% of the estimated cost of construction, \$147,735.
- The agreement, as presented, has the developer paying for all the costs of the improvement including: design, inspection, construction and City staff time related to the improvement. The developer will pay the City \$3,939 to cover staff time overseeing the project.
- Any attorney or consulting fees incurred by the City for this agreement, or the work covered in it, will be paid by the developer.
- There are no costs to the City for the Development Agreement nor for the ingress and egress easement.
- Receipt of \$38,250 park dedication in lieu of a dedication of park land.

Staff Recommendations

Staff recommends:

- A. Adopt a resolution approving the Danny Boy Estates final plat, based on the content of this RCA, public input, and City Council deliberation, with the following conditions:
 1. The applicant shall create a homeowners association for maintenance of the shared driveway and storm water BMPs, and shall enter into an agreement pertaining to the public water and sanitary sewer improvements in the site.
 2. The applicant shall submit payment of the \$38,250 park dedication fee before the City will release the signed mylars for recording at Ramsey County.
- B. Authorize execution of the Danny Boy Estates Development Agreement based on the content of this RCA, public input, and City Council deliberation.

Requested Council Action

The requested Council action is two-fold:

- A. Adopt a resolution approving the Danny Boy Estates final plat, based on the content of this RCA, public input, and City Council deliberation, with the following conditions:
 - 1. The applicant shall create a homeowners association for maintenance of the shared driveway and storm water BMPs, and shall enter into an agreement pertaining to the public water and sanitary sewer improvements in the site.
 - 2. The applicant shall submit payment of the \$38,250 park dedication fee before the City will release the signed mylars for recording at Ramsey County.
- B. Authorize execution of the Danny Boy Estates Development Agreement based on the content of this RCA, public input, and City Council deliberation.

Prepared by: Senior Planner, Bryan Lloyd

Attachments:

- 1. Area Map
- 2. Preliminary Plat Approval Resolution
- 3. Final Plat and Easement Drawings
- 4. Development Agreement
- 5. Draft Final Plat Approval Resolution

Attachment 1: Planning File 23-002



Prepared by:
Community Development Department
Printed: May 30, 2023



Data Sources
 * Ramsey County GIS Base Map [5/4/2023]
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

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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 held on the 10th day of July 2023 at 6:00 p.m.

The following Council Members were present: Etten, Schroeder, Groff, and Roe; and Strahan was absent.

Council Member Etten introduced the following resolution and moved its adoption:

RESOLUTION NO. 12003

A RESOLUTION APPROVING THE PROPOSED DANNY BOY ESTATES PRELIMINARY PLAT (PF23-002)

WHEREAS, Sophies, LLC has submitted a valid application for approval of the proposed Danny Boy Estates preliminary plat of the property addressed as 2560 Fry Street; and

WHEREAS the proposed subdivision conforms to all of the applicable standards of the City of Roseville zoning and subdivision codes; and

WHEREAS, the Roseville Planning Commission held the duly noticed public hearing for this application on June 7, 2023, and having closed said public hearing, voted 5-1 to recommend approval of the proposed preliminary plat with certain conditions based on the public record and the Planning Commission's deliberation with certain conditions; and

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to approve the proposed Danny Boy Estates preliminary plat, based on the public record and City Council deliberation, with the following conditions:

1. Pursuant to the memo from Public Works Department staff in Attachment 4 of this RCA, the applicant shall create a homeowners association for maintenance of the shared driveway and storm water BMPs; and shall enter into an agreement pertaining to the public water and sanitary sewer improvements in the site.
2. Pursuant to the comments from Parks and Recreation Department staff in Attachment 4 of this RPCA, the applicant shall submit payment of the \$38,250 park dedication fee before the City will release the signed mylars for recording at Ramsey County.

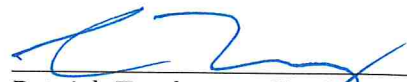
The motion for the adoption of the foregoing resolution was duly seconded by Member Schroeder, and upon vote being taken thereon, the following voted in favor thereof; Etten, Schroeder, Groff, and Roe and the following voted against the same: None.

WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the 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 10th day of July, 2023, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 10th day of July, 2023.



Patrick Trudgeon, City Manager

(SEAL)

based on discussion with the residents. The Commission thought that was a good idea.

Councilmember Groff knew from neighbors that is an interest to them so the Commission could reach out to residents and see if there is interest.

Councilmember Schroeder explained she liked the idea of moving beyond just this one issue to look at a policy on how this should be done. She also liked the idea that there would be parameters around that as well and have the residents petition for it.

Councilmember Etten indicated he was okay with it but did not think it would solve the problem that was stated. He noted a GPS system is not going to care what the name is; it is just directing the person to where it needs to go. He would be concerned about how the name would be selected and how that process works.

Mayor Roe gave feedback on the scope, duties, and functions draft from the PWETC.

- b. Consider a Resolution Providing Preliminary Approval of a Major Plat of an Existing Parcel as Ten Lots for Single-Family Attached Homes (Twinhomes)**
Senior Planner Brian Lloyd briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 10, 2023.

Councilmember Groff asked if staff has looked at the parking in the area. He knew the parking got bottled up when there were events in the park and that residents were upset with that issue.

Mr. Lloyd explained there really is not a whole lot to say, the proposal does accommodate all of the required parking in the Zoning Code within the site. He explained the parking shortage in the park is not the responsibility of the developer to remedy. The developer is doing what it can to accommodate all of the parking on site.

Public Comment

Mayor Roe offered an opportunity for public comment.

Mr. John Kysylyczyn, 3083 Victoria Street

Mr. Kysylyczyn indicated the only question he has is where the fence is between the private property and Rosebrook Park. He wondered if there is a fence already there. He asked what is separating the private property from the public property. He noted there is a swimming pool as well as a drainage pond on the upper right-hand side of the property and he presumed there is a fencing requirement depending on the size of the ponding. He indicated that is not the main point, there is kind of

a problem in the City in some places where there is a blurring between public property and private property and he would like to see that addressed up front because he did not want to have a scenario where five years later there is a question raised and then the taxpayers have to cover the costs of a fence dividing that when it should be borne by the developer.

No one else wished to address the City Council so Mayor Roe closed public comment.

Mayor Roe asked to what extent is there already fencing along that southern edge of the park and parking in the park.

Parks Director Matt Johnson explained what exists currently is small pine trees on the property line and this was part of the conversation with the Parks and Recreation Commission in its desire to preserve those trees to the extent that the City is able to do so. He was not aware of a City Ordinance that would require a neighboring property to install a fence.

Mr. Lloyd explained if this development was next to a low-density single-family home development, there would be a fencing requirement. This is a more intensive development so there are some screening and buffering built into those requirements but not for residents adjacent to something more intensive like park or commercial land. The City does not have a zoning requirement that fences be installed in that location.

Mayor Roe asked regarding the parking at Rosebrook Park, noting it seems like the adequacy of the southern parking lot for the park building, wading pool, and the northern parking lot for the use of the fields are not working too well. He asked Mr. Johnson address how parking has been working at the park. He did not intend to put the parking at the park onto this project, he just wanted to know if the City needed to look at parking related to Rosebrook Park and how it fits into the City's bigger picture.

Mr. Johnson reviewed with the Council the parking related to Rosebrook Park. He noted the neighborhood loves the park and all of the uses. He indicated when parking is added, greenspace is taken away, and greenspace is limited in the City. Also, there is more walk up use to this park.

Mayor Roe thought this may be something the City wants to help people understand, where other parking options are, especially for the southern field.

Councilmember Etten inquired if there was a fence around the wading pool.

Mr. Johnson indicated there was a fence around the wading pool.

Etten moved, Schroeder seconded, adoption of Resolution No. 12003 entitled, “Resolution Approving the Proposed Danny Boy Estates Preliminary Plat (PF23-02).”

Council Discussion

Councilmember Etten explained this property was rezoned several years ago with the intention of encouraging this type of development, a very needed form of medium density housing so he thought this was a great proposal. He appreciated that what could have been two more lots has been left for the water retention pond. He thought this was also an excellent step down, noting there is high density next to it, between that and the single-family homes, and a bingo hall on the south side and a parking lot. He stated this is a really good use of this space and a highly in demand housing source for the City. He also thought this was a much lower impact than the press gym that was there for years.

Councilmember Schroeder stated because of the garages and driveways, she thought there would be plenty of room for them to park so she did not think there would be additional parking pressure around this as much. She did not think there would be a noticeable difference in the number of cars coming and going either with how busy the park is.

Councilmember Groff explained this is the type of housing that is in demand and a good addition to this area.

Mayor Roe added there continues to be a concern in the neighborhood about access in and out of the neighborhood ever since the State closed down the more robust access at Snelling. He thought the City should continue to look at the access on the Fairview side and how that looks going forward.

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

c. Review and Discuss Pending Future Agenda Items

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 10, 2023.

Mayor Roe noted the first item is regarding inspection of single-family rentals that Councilmember Etten brought up previously. He asked Councilmember Etten for an update.

Councilmember Etten explained he had some discussions with staff about this and, for him, he would pull this off the list for consideration at this time because of how much additional staff time it would take. He noted it could potentially add a couple

KNOW ALL MEN BY THESE PRESENTS: That Sophies LLC, a Minnesota limited liability company, fee owner of the following described property situated in the City of Roseville, County of Ramsey, State of Minnesota:

That part of the West 260.5 feet of the East 655.5 feet of the Northeast Quarter of the Northeast Quarter of Section 9, Township 29, Range 23, lying South of the North 767 feet thereof and North of the South 335 feet thereof.

Has caused the same to be surveyed and platted as DANNY BOY ESTATES and does hereby dedicate to the public for public use forever the public way and drainage and utility easements as shown on this plat.

In witness whereof said Sophies, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 20 ____.

SOPHIES, LLC

Barry J. O'Meara, Chief Executive Officer

STATE OF MINNESOTA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20 ____, by Barry J. O'Meara, as Chief Executive Officer of Sophies LLC, a Minnesota limited liability company, on behalf of the company.

(Signature)

(Printed Name)

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, James E. Napier, Licensed Land Surveyor, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; prepared this plat or directly supervised the preparation of this plat; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set or will be correctly set within one year of recording this plat; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of the surveyor's certification are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20 ____.

James E. Napier, Land Surveyor
Minnesota License No. 25343

STATE OF MINNESOTA

COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 20 ____, by James E. Napier, a Licensed Land Surveyor.

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY OF ROSEVILLE

We do hereby certify that on the ____ day of _____, 20 ____, the City Council of the City of Roseville, Minnesota, approved this plat.

_____, Mayor _____, City Manager

PROPERTY TAX, RECORDS AND ELECTION SERVICES DEPARTMENT

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year ____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20 ____.

_____, Ramsey County Auditor/Treasurer

By _____, Deputy

COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Section 383A.42, this plat is approved this ____ day of _____, 20 ____.

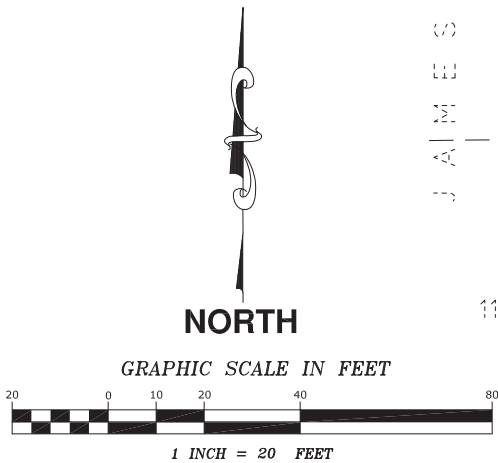
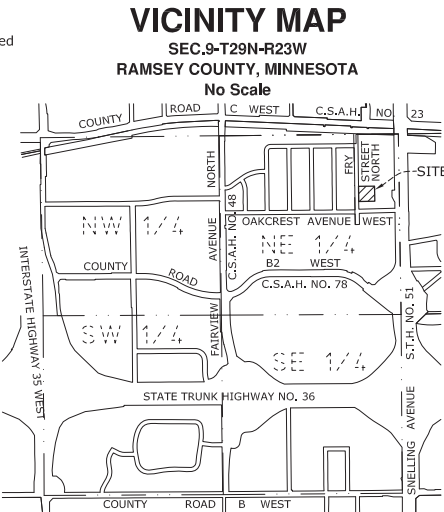
Daniel D. Baar, L.S.
Ramsey County Surveyor

REGISTRAR OF TITLES

COUNTY OF RAMSEY, STATE OF MINNESOTA

I hereby certify that this plat of DANNY BOY ESTATES was filed in the office of the Registrar of Titles for public record on this ____ day of _____, 20 ____, at ____ o'clock ____ M., and was duly filed in Book of Plats, Page _____, as Document Number _____.

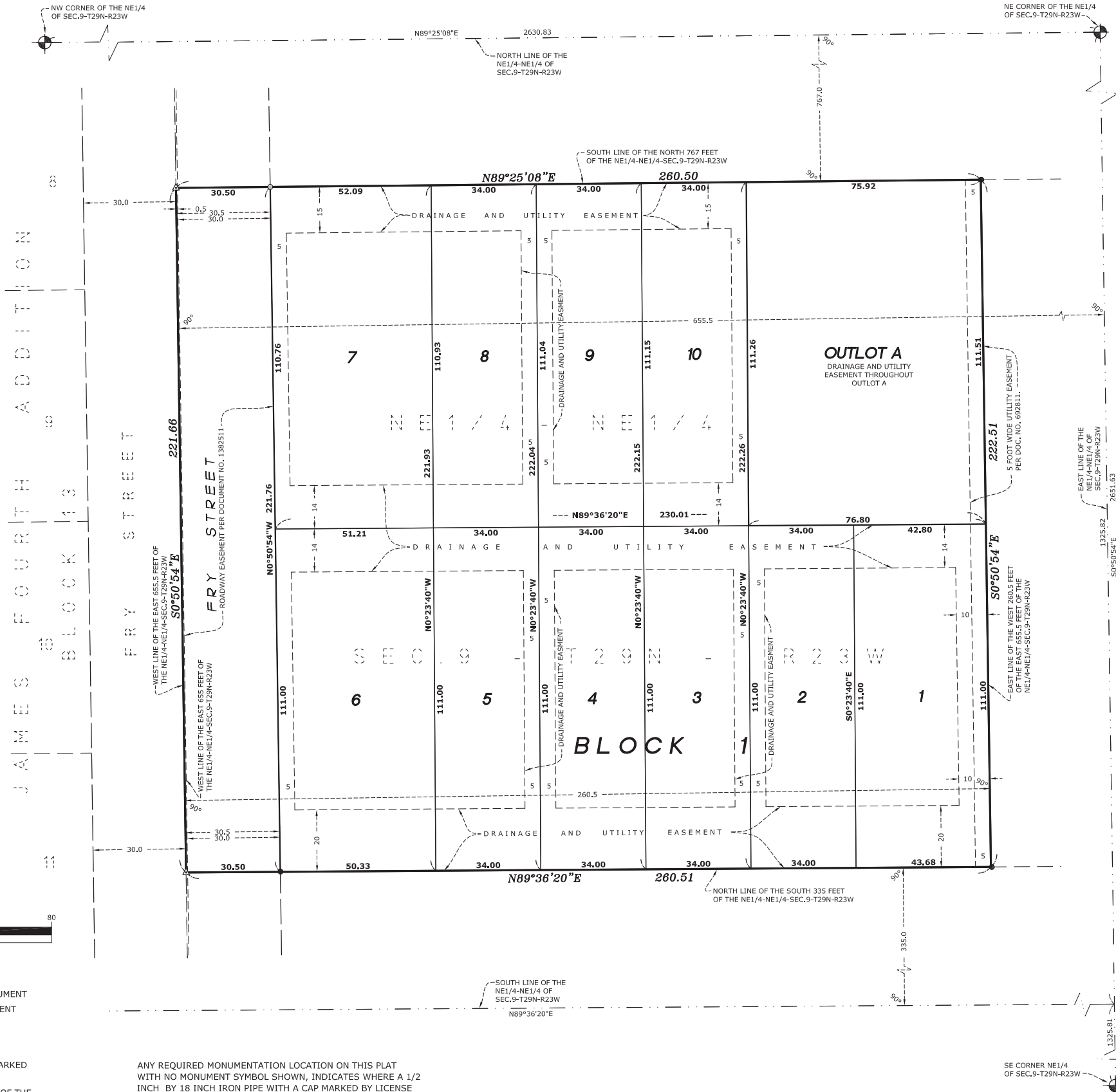
Deputy County Recorder



- DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES 1/2 INCH OPEN IRON PIPE MONUMENT FOUND, UNLESS OTHERWISE SHOWN
- DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET, MARKED "RLS 25343".
- ▲ DENOTES SET PK NAIL WITH METAL DISK, MARKED "RLS 25343".

FOR THE PURPOSES OF THIS PLAT, THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER IS ASSUMED TO BEAR SOUTH 00 DEGREES 50 MINUTES 54 SECONDS EAST.

DANNY BOY ESTATES

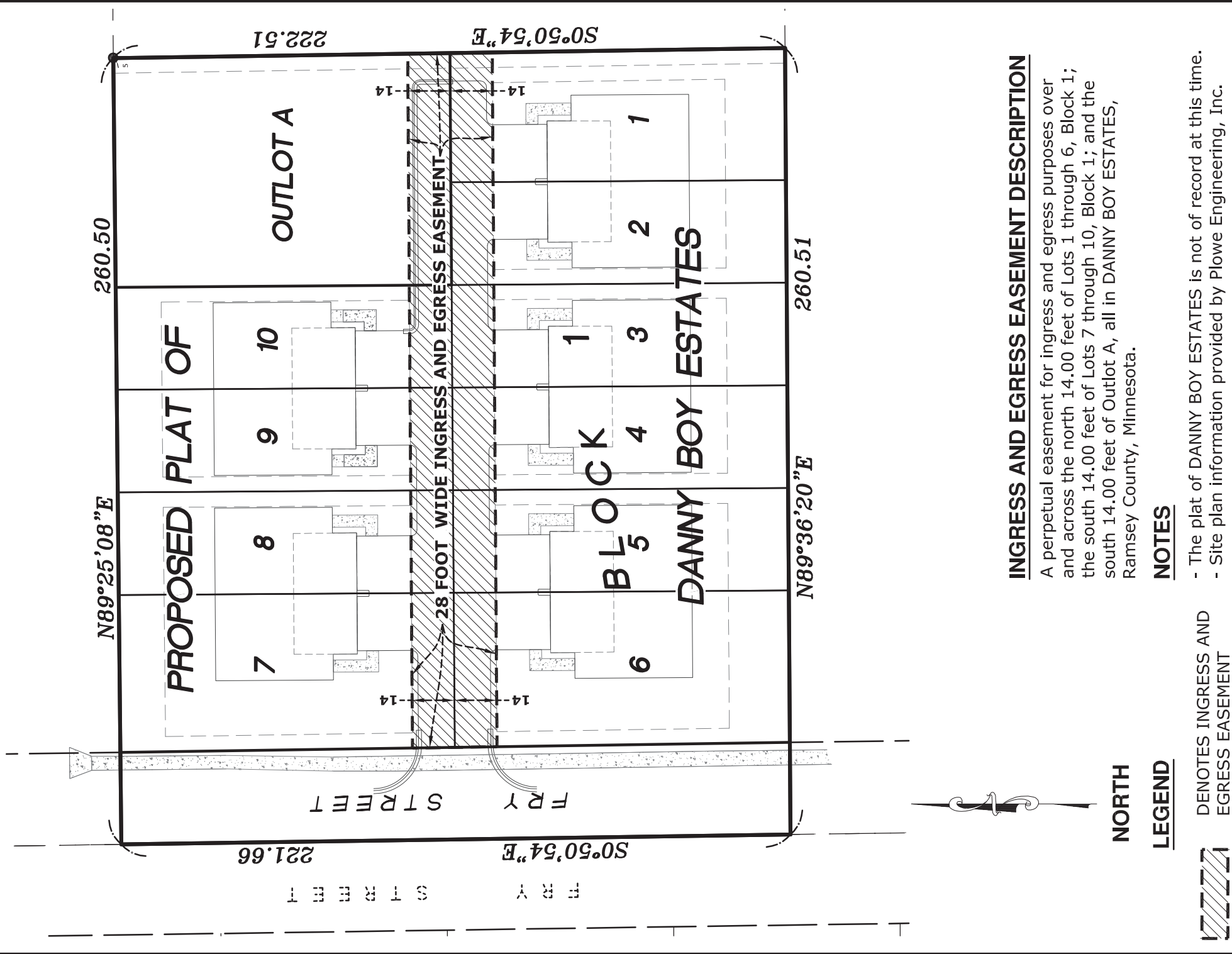


ANY REQUIRED MONUMENTATION LOCATION ON THIS PLAT WITH NO MONUMENT SYMBOL SHOWN, INDICATES WHERE A 1/2 INCH BY 18 INCH IRON PIPE WITH A CAP MARKED BY LICENSE NO. 25343 OR PK NAIL WITH METAL DISK, MARKED "RLS 25343" WILL BE SET, AND WHICH SHALL BE IN PLACE WITHIN ONE YEAR AFTER THE RECORDING OF THIS PLAT.

SE CORNER NE1/4 OF SEC. 9-T29N-R23W

SKETCH AND DESCRIPTION

~for~ SOPHIES LLC
~of~ DANNY BOY ESTATES
INGRESS AND EGRESS EASEMENT



SCALE: 1" = 40' BEARING DATUM: County	JOB NO. 221019MS	DRAWN BY: JEN	CREW: DT-CT
I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota: By: <i>James E. Hoppen</i> Minnesota License No. 25343 Dated 17th day of July 2023.	DATE: 07-17-23		
	REVISIONS		
	1		
	2		
	3		
4			
	#	DATE	DESCRIPTION
			BY

E. G. RUD & SONS, INC.
PROFESSIONAL LAND SURVEYORS
6776 LAKE DRIVE NE, SUITE 110
LINO LAKES, MINNESOTA 55014
TEL. (651) 361-8200
FAX (651) 361-8701
www.egrud.com

**CITY OF ROSEVILLE
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made this 7th day of August, 2023, by and between the City of Roseville, a municipal corporation under the laws of the State of Minnesota (the “City”) and Sophies, a Limited Liability Company under the laws of the State of Minnesota (the “Developer”) (Together the “Parties”).

RECITALS

- A. Developer is the fee owner of real property (the “Property”) in the City of Roseville and has asked the City to approve a plat of land to be known as Danny Boy Estates (the “Plat”) legally described as follows:

Ramsey County Property ID number 092923110004 and Certificate of Title number 643450

That part of the West 260.5 feet of the East 655.5 feet of the Northeast Quarter of the Northeast Quarter of Section 9, Township 29, Range 23, lying South of the North 767 feet thereof and North of the South 335 feet thereof.

- B. Developer intends to construct five twin homes on the Property (the “Development”).

The City Council took the following actions related to the Development (together the “City Approvals”):

- a. Approval of Preliminary Plat July 10, 2023
- b. Approval of Final Plat August 7, 2023

- C. The City and the Developer now desire to enter into this Development Agreement (“Agreement”) setting forth certain requirements and obligations relating to the development of the Property, including but not limited to the execution and recording of certain instruments, and payment of fees and other obligations related to the Property.

- D. The Developer shall install or cause to be installed and pay for the following (the “Improvements”) as reflected in the Site Plan, Final Plat and all plans related to the Project that have been approved by the City (the “Approved Plans”),
- a. Surface improvements (paved driveways, pathways, etc.)
 - b. Water main improvements
 - c. Sanitary sewer improvements
 - d. Storm water improvements
 - e. Setting of lot and block monuments
 - f. Site grading

- g. Other items as necessary to complete the development as stipulated herein or in other agreements.

NOW, therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledge, the Parties agree as follows:

ARTICLE ONE CONSTRUCTION OF IMPROVEMENTS

1.01 Prerequisites to Construction of Improvements. Before commencing construction of the Improvements, the Developer must satisfy all of the following conditions precedent:

- a) The Final Plat has been approved by the City Council and recorded with Ramsey County;
- b) Developer has provided proof that Developer is the fee owner of the Property and that that no other parties have an interest in the Property other than those that have been disclosed to and accepted by the City;
- c) This Agreement has been executed by the Developer and the City and recorded with Ramsey County;
- d) The Developer has executed and recorded Stormwater Operations and Maintenance Plan, and Stormwater Operations and Maintenance Agreement;
- e) The Developer has received all required land use approvals and other permits from the City (the “City Approvals”);
- f) The Developer has received City approval of all Plans as defined in Section 1.02 herein;
- g) The Developer has received all required approvals from other governmental agencies including Minnesota Pollution Control Agency, Minnesota Department of Health, Rice Creek Watershed District (the “Additional Approvals” together with the City Approvals, “All Required Approvals”);
- h) Developer has paid all outstanding fees to the City;
- i) A homeowners association has been formed to be responsible for maintenance and repair of the shared driveway and storm water infrastructure and treatment pond;
- j) The City has received the required Construction Security (as defined in Section 4.01) and Cost Escrow (as defined in Section 4.02) from or on behalf of the Developer;

- k) Developer has submitted final engineering and construction plans in digital (required) and hard copy (if requested) format for the Improvements and has received approval by the City Engineer (the “Approved Plans” as defined in Section 1.02);
- l) Developer or Developer’s representative has initiated and attended a preconstruction meeting with the City Engineer and other City staff;
- m) The Developer represents to the City that the Plat complies with all City, County, Metropolitan, State and Federal laws and regulations including, but not limited to: subdivision ordinances, zoning ordinances and environmental regulations;
- n) The Developer has submitted to the City, \$38,250 for Parkland fees;
- o) The Developer has submitted to the City, \$3,939 in Engineering Coordination fees for Construction Observation as described in Section 2.03; and
- p) The City has issued a Notice to Proceed and all conditions precedent have been satisfied.

1.02 Approved Plans. The Property shall be developed in accordance with the following plans, specifications and other documents and approved by the City Engineer (together the “Approved Plans”). With the exception of the Plat, these documents may be prepared after the parties have entered into this Agreement, provided however, no work shall be commenced on the Property until all of the documents have been submitted to and approved by the City. The Approved Plans shall not be attached to this Agreement, but shall be retained in the City files while the work to be done under this Agreement is being performed. If the Plans vary from the written terms of this Agreement, the written terms shall control. The Approved Plans are as follows:

- a) Plat
- b) Plans and Specifications for Danny Boy Estates
 - a. Existing Conditions
 - b. Site Plan
 - c. Grading, Drainage & Erosion Control Plan
 - d. Utility Plan
 - e. Standard and Custom Details
 - f. SWPPP

1.03 Construction of Public Improvements. The development of the Project will include construction of certain Improvements to current or future public property (the “Public Improvements”). All Public Improvements must be constructed in accordance with City details and specifications and the Approved Plans (as defined in Section 1.02). All labor and work must be done and performed in the best and most workerlike manner and in strict conformance with the Approved Plans. Any deviation from the Approved Plans must be preapproved in writing by the City Engineer. Public Improvements shall consist of the following;

a) Public Street and Pathway Construction . Curb cuts, street cuts, and sidewalk cuts shall be reconstructed to match existing typical sections. Utility trenches shall be restored by the Developer per City standard plate.

b) Public Sanitary Sewer. The Developer shall construct all sanitary sewer pipes determined to be necessary by the City to serve the Property, including individual lot services. Services shall be privately owned and maintained. All public sanitary sewer shall be televised, at the Developer's expense, prior to the installation of the aggregate base, concrete curb and gutter, and bituminous. No roadway construction shall be commenced until the City has reviewed and approved the televising tapes. All televising media shall be submitted on a City-approved digital format.

c) Public Watermain. The Developer shall construct all watermain improvements determined by the City to be necessary to serve the Property, including hydrants, valves and individual lot services. Services shall be privately owned and maintained. Any construction that would require shut-offs of existing watermain shall be coordinated with City Utilities staff.

1.04 Public Dedication and Ownership.

a) Parkland Fees/Dedication. The Developer acknowledges that the Project will increase the need for City parkland and other open space for current City residents and future residents of the Development. Developer agrees that the parkland fees paid in the amount of \$38,250 pursuant to this Agreement are reasonably related to and roughly proportionate with the need created by the Development.

b) Easement/Right of Way Dedication Not included on Plat. The Developer shall convey to the City a 28 foot wide ingress and egress easement and shall be recorded concurrently with the Final Plat.

c) Ownership of Improvements and Risk of Loss. Upon completion and City acceptance of the Public Improvements by the City Council, all Public Improvements lying within public rights-of-way and easements shall become City property without further notice or action. The Developer shall be responsible for the risk of loss of all Public Improvements constructed by the Developer until ownership thereof passes to the City. Any damage or destruction, in whole or in part, to any Public Improvement constructed by the Developer shall be repaired and/or replaced by the Developer until ownership of such Public Improvement passes to the City. Upon acceptance of the public improvement, the Developer shall warranty all work for a one-year period by providing a warranty bond.

1.05 Work or Materials. All work that Developer is required to perform pursuant to this Agreement shall be done at no expense to the City. No reimbursement shall be made by the City

for any work paid for by the Developer. The Developer agrees that they will make no claim for compensation for work or materials so done or furnished.

1.06 Construction of Private Improvements. The development of the Project will consist of construction of certain Improvements on private property (the “Private Improvements”). All Private Improvements must be constructed in accordance with City details and specifications and the Approved Plans (as defined in Section 1.02). All labor and work will be done and performed in the best and most workerlike manner and in strict conformance with the Approved Plans. Any deviation from the Approved Plans must be preapproved in writing by the City Engineer.

- a) Private Storm Sewer. The Developer shall construct all storm sewer improvements, including stormwater best management practices (BMPs), determined to be necessary by the City to serve the Property, including the construction of inlets and outlets.
 - 1. Infiltration and filtration BMPs shall be protected from excess compaction and sediment during construction. Pre- and post-construction percolation testing is required. If these BMPs do not function as designed, the Developer shall reconstruct them as directed by the City Engineer.
 - 2. All storm sewer shall be televised, at the Developer’s expense, prior to the installation of the aggregate base, concrete curb and gutter, and bituminous. No roadway construction shall be commenced until the City has reviewed and approved the televising tapes. All televising media shall be submitted on in a City-approved digital format.
- b) Site Grading and Restoration: Site grading improvements shall include common excavation, subgrade correction, and embankment grading. The Developer shall perform restoration on the Property in accordance with the Approved Plans.
 - 1. The Developer shall submit to the City a site grading and drainage plan for the entire Plat, including future phases in multi-phase development, acceptable to the City showing the grades and drainage for each lot prior to installation of the improvements.
 - 2. The Developer shall submit a certificate of survey (as-built survey) of the development to the City after site grading, with street and lot grades.
 - 3. All improvements to the lots and the final grading shall comply with the approved grading plan.

ARTICLE TWO CONSTRUCTION STANDARDS

2.01 Staking, Surveying and Inspections. Developer must provide all required staking and surveying for the Improvements in order to ensure that the completed Improvements conform to the Approved Plans.

2.02 Observation. The Developer shall provide the services of a Project Representative and assistants at the site to provide continuous observation of the work to be performed and the improvements to be constructed under this Agreement.

- a. The Developer shall provide the City Engineer a minimum of two business days' notice prior to the commencement of the underground pipe laying and service connection; and prior to subgrade, gravel base and bituminous surface construction.
- b. Developer's failure to comply with the terms of this section shall permit the City Engineer to issue a stop work order which may result in a rejection of the work and which shall obligate the Developer to take all reasonable steps, as directed by the City Engineer to ensure that the improvements are constructed and inspected pursuant to the terms of this Agreement; and shall further result in the assessment of a penalty, in an amount equal to 1% per occurrence, of the amount of the Letter of Credit required for Developer improvements, which amount the Developer agrees to pay to the City upon demand.
- c. The Developer is required to follow the MnDOT schedule for materials control for testing the work. Developer-contracted testing shall be performed by a qualified third party. All tests should be submitted to the City for review and approval. The City reserves the right to additional testing as necessary to ensure proper construction, at the Developer's expense. A test roll of the street subgrade shall be passed prior to acceptance of the subgrade work by the City.

2.03 Engineering Coordination. A City staff Engineering Coordinator shall be assigned to this project to provide further protection for the City against defects and deficiencies in the work and Public Improvements through the observations of the work in progress and field checks of materials and equipment. However, the furnishing of such engineering coordination will not make the City responsible for construction means, methods, techniques, sequences or procedures or for the safety precautions or programs, or for the Contractors failure to perform his work in accordance with the Plans. The Developer is obligated to pay the City for City Construction Observation services an amount equal to 4% of the estimated cost of the Public Improvements, which amount is \$3,939.

2.04 Unsatisfactory Labor or Material. In the event that the City Engineer rejects as defective or unsuitable any material, then such material must be removed and replaced with approved material at the sole cost and expense of the Developer.

2.05 Completion of Public Improvements, Final Inspection, Acceptance.

a) Time of Completion. The Developer shall complete all required all Public Improvements no later than December 31, 2023. The Developer may, submit a written request for an extension of time to the City Engineer. If an extension is granted, it shall be conditioned upon updating the Construction Escrow posted by the Developer to reflect cost increases and the extended completion date.

b) Bituminous and Concrete Material Acceptance. The City shall not accept concrete curb and gutter that has structural or cosmetic defects. The City shall identify all defective curbs for removal. The City shall not accept bituminous that does not meet MnDOT specifications that has an open graded appearance as determined by the City Engineer. Such material shall be rejected and shall be required to be removed and replaced at the Developer's expense.

2.05 As-built Plans. Upon completion of the Improvements, the Developer shall provide the City with drawings of all public and private infrastructure improvements in accordance with City Guidelines: (i) a full set of as-built plans in a digital PDF format, and (ii) an as-built survey in a CAD format, for City records. Upon request by the City Engineer, the Developer will provide sufficient information to the City documenting to the Developer's work, including any changes that affect the Approved Plans. The improvements shall not be accepted, nor shall security retainage be released until all record drawings have be received and accepted by the City Engineer.

2.08 Maintenance of Improvements. Developer shall be responsible for all maintenance, upkeep and repair (including, but not limited to snow plowing, mowing, weed control, and grading) of the privately-owned Improvements; and for the Public Improvements until completed and accepted by the City. Developer shall remain responsible for all maintenance and upkeep of Improvements that are not transferred to the City. Developer hereby agrees to indemnify and hold the City harmless from any and all claims for damages of any nature whatsoever arising out of Developer's acts or omissions in performing the obligations imposed by this paragraph.

2.11 Building Permits and Occupancy.

- a. In order to provide emergency vehicle access, a passable Class 5 road base must be extended to within 150 feet of any address seeking a building permit.
- b. No occupancy of any newly constructed building in the Development may occur until installation and approval of curb and gutter and bituminous base course; a hard surface driveway and parking; lot and appropriate ground cover, and a certificate of occupancy has been issued by the City Building Official. The Developer shall maintain reasonable access to any occupied building within the Development, including necessary street maintenance such as grading and graveling and snow removal prior to permanent street surfacing and acceptance of the streets by the City.

2.12 Underground Utilities. The Developer shall contact the electric, telecommunications, gas and other private utility companies that are authorized to provide service to the Property for the purpose of ascertaining whether any of those utility providers intend to install underground lines within the Development. Any costs associated with the installation of underground utilities required by the utility companies shall be solely borne by the Developer or the utility company. The Developer shall arrange for the installation of underground electric, telecommunications, gas and other private utilities before the and pavement is installed. The Developer agrees to comply with applicable requirements of franchise ordinances in effect in the City, copies of which are available from the City Clerk.

2.13 Site Conditions.

a) Cleaning. The Developer shall clean dirt and debris from streets that has resulted from construction work by their respective contractors, subcontractors, agents or assigns. The City will inspect the Property not less than on a weekly basis to determine whether it is necessary to take additional measures to clean dirt and debris from the streets. After 24 hours verbal notice to the Developer, the City may complete or contract to complete the clean-up and may draw down on the Construction Escrow described in Article Four to pay such costs.

b) Parking and Storage of Materials. Adequate on-site parking for construction vehicles and employees must be provided or provisions must be made to have employees park off-site and be shuttled to the Project Area. No parking of construction vehicles or employee vehicles shall occur along Fry Street beyond the property limits without prior written consent of the City Engineer. No fill, excavating material or construction materials shall be stored in the public right-of-way.

d) Cold Weather Construction. The City requires that no public concrete or bituminous infrastructure be constructed on frozen ground. Upon evidence of frozen ground in the project aggregate base/subgrade, all concrete and bituminous work shall cease for the construction year. No bituminous base paving or concrete pouring will be allowed after November 1st of the calendar year, unless approved by the City Engineer, and if permitted such work shall comply with City specifications.

2.14 Construction Hours; Noise; Dust. Developer will comply with all requirements of the City pertaining to the hours and days during which construction activities may take place. Unless a variance is approved by the City Council, construction hours shall be 7:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 9:00 p.m. on weekends or legal holidays.

2.15 Street Signs, Lighting, and Mailboxes. The Developer shall be financially responsible for the cost of the City to furnish and install street signage per the Approved Plans. If lighting is installed, all costs to install new street lights shall be solely at the cost of the Developer. Developer is required to supply and install cluster mailboxes as approved by the City and for which such placement must be approved by the USPS Postmaster.

2.16 Erosion Control. Prior to issuance of the Notice to Proceed, the erosion control plan must be approved and City erosion control permit must be issued. The Developer shall meet all requirements of the City's Erosion Control Permit and Ordinance including but not limited to the following.

- a) No construction activity may occur and no building permits will be issued unless the Property is in full compliance with the erosion control requirements.
- b) Measures shall be installed in compliance with MPCA NPDES permit requirements, if required.
- c) The City shall inspect the site periodically and determine whether it is necessary to take additional measures to address erosion.
- d) To remove dirt and debris from streets that has resulted from construction work by the Developer, its agents or assigns, the Developer shall sweep streets within the project area, and adjacent streets if tracking is observed, on a weekly basis or more frequently as directed by the City Engineer until the site is stabilized. The Developer must sweep roadways with a water-discharge broom apparatus. Kick-off brooms shall not be utilized for street sweeping.
- e) If the development on the Property does not comply with the erosion control plan or supplementary instructions received from the City, the City may, following giving the After 48-hours verbal notice to the Developer (or immediately in the case of an emergency), the City may complete or contract to complete the clean-up and may draw down on the Permit, Development or Construction Escrow described in Section 4.1 to pay such costs.

ARTICLE THREE EASEMENT; RIGHT OF ENTRY

3.02 To the City. The Developer grants to the City, its agents, representatives, employees, officers, and contractors, a right of entry to access all areas of the Property to perform any and all work and inspections necessary or deemed appropriate by the City or to take any corrective actions deemed necessary by the City. The right of entry conveyed by the Developer to the City shall continue until the completion of the Improvements. The City will provide the Developer with reasonable notice prior to exercising its rights hereunder, except in the case of an emergency.

ARTICLE FOUR SECURITY, WARRANTY

4.01 Construction Security. Prior to commencement of construction of the Public Improvements, the Developer will furnish the City a list of all Public Improvements and an estimated cost of such Public Improvements, attached hereto as **Exhibit A**, for approval by the City Engineer. Based on those approved costs, Developer will furnish the Construction Security

in the form of: cash to be held in escrow, an irrevocable Letter of Credit, or a bond approved by the City Attorney, the total amount equal to 150% of the estimated project costs for the Public Improvements, which amount is \$147,735.

- a) Renewal. In the event Developer posts a Bond or provides a Letter of Credit for the Security, the Bond or Letter of Credit must continue in full force and effect until the City has approved and accepted the Public Improvements. A Letter of Credit must automatically renew at the first of the year until the City releases the developer from responsibility.
- b) Failure to Complete. Upon failure of the Developer to timely perform work on the Public Improvements or to complete work on the Public Improvements within the time of completion referenced in 2.05.a, the City may declare the Developer to be in default as to the Public Improvements and draw an amount from the Construction Security necessary to complete the unfinished work and any City costs associated. Associated costs may include but are not limited to, any attorneys' fees, engineering fees or other technical or professional assistance, including the work of the City staff and employees. The Developer shall be liable to the City to the extent that the Construction Security is inadequate to reimburse the City its costs and pay for the completion of the work.
- c) Reduction of Construction Security. Upon the Developers written request, the City Engineer may reduce the amount of the Construction Security for completed Public Improvements provided the following conditions are met:
 - 1. The Developer's Engineer of record certifies that the Public Improvements have been constructed to City Standards and in accordance with the Plans.
 - 2. The Developer provides documentation that its contractors and all their subcontractors and suppliers have been paid in full for the work completed and materials supplied.
 - 3. The City Engineer determines that such Public Improvements have been fully completed in accordance with the Plans, specifications and provisions of this Agreement.
 - 4. The amount of reduction shall be equal to that portion of the Construction Security which covers such completed Public Improvements; provided however, in no case shall the remaining amount of the Construction Security be less than the greater of: (i) 25% of the original amount of the Construction Security, or (ii) 150% of the estimated cost to complete the remaining Public Improvements.
- b) Release of Construction Security. After the work described in this Agreement has been completed, the Developer may request that the City accept the Public Improvements

and release the Construction Security. This is accomplished through a City Council resolution provided the following conditions are met:

1. As-built Survey. The Developer shall provide an as-built survey upon completion of the Improvements described in Section 1.02 in reproducible and digital (CAD) format. The locations and elevations of sewer and water services shall be accurately shown on the survey.
2. Certification. The Developer's engineer submits a letter certifying that the Public Improvements have been constructed to City Standards in accordance with the Plans and requests that the City accept the Public Improvements.
3. Lien Waivers. The Developer provides documentation that its contractors and their subcontractors and suppliers have been paid in full for the work completed and the materials supplied.
4. Warranty. Warranty is provided to the City per Section 4.03.
5. Determination of Completion. The City Engineer and the City Council have determined that all Public Improvements have been completed in accordance with the Plans, specifications and terms of this Agreement. The date of City acceptance of the Public Improvements shall be the date of the City Council resolution accepting the Public Improvements

4.02. Escrow for Costs. Prior to entering in to this Agreement, the Developer has deposited a cash escrow in the amount of \$2,000, to pay Administrative Costs. "Administrative Costs" are defined as out-of-pocket costs incurred by the City, together with staff, legal, engineering, and all other consultant costs of the City, all attributable to or incurred in connection with the Development, but not including Construction Observation. At the Developer's request, but no more often than monthly, the City will provide the Developer with a written report including invoices, time sheets or other comparable evidence of expenditures for Administrative Costs and the outstanding balance of funds deposited. If Administrative Costs incurred, and reasonably anticipated to be incurred, are more than the deposit by the Developer, Developer will, upon request of the City, provide additional funds. If the Administrative Costs incurred, and reasonably anticipated to be incurred are less than the deposit by the Developer, the City shall return to the Developer any funds not anticipated to be needed. The City shall return the unused escrow balance to the Developer no later than six months after the acceptance of the Improvements by the City at the contact information provided on the Escrow Receipt Form.

4.03 Warranty. The Developer warrants the Public Improvements and all work required to be performed by the Developer hereunder against poor material and faulty workmanship for a period of one (1) year after its completion and acceptance by the City. The Developer shall repair or replace as directed by the City and at the Developer's sole cost and expense: (i) any and all faulty work, (ii) any and all poor quality and/or defective materials, and (iii) any and all trees, plantings,

grass and/or sod which are dead, are not of good quality and/or are diseased, as determined in the sole but reasonable opinion of the City or its Engineer, provided the City or its Engineer gives notice of such defect to Developer with respect to such items on or before 60 days following the expiration of the one year warranty period. In order to guarantee that such corrections will be made, the Developer shall post maintenance bonds in the cost estimate for improvements in Exhibit A or cash to the City to secure the warranties described herein, which bonds or other security shall be in addition to the escrows described herein.

ARTICLE FIVE OTHER REQUIREMENTS

5.01. Indemnification. Notwithstanding anything to the contrary in this Agreement, the City, its officials, agents and employees shall not be personally liable or responsible in any manner to the Developer or their respective contractors or subcontractors, material suppliers, laborers or to any other person or persons for any claim, demand, damages, actions or causes of action of any kind or character arising out of or by reason of the execution of this Agreement or the performance and completion of the work required by this Agreement. The Developer will hold the City, its officials, agents and employees harmless from all such claims, demands, damages, or causes of action and the costs, disbursements, and expenses of defending the same, including but not limited to, attorneys' fees, consulting engineering services, and other technical or professional assistance, including the work of City staff and employees. The Developer further agrees that they will indemnify, defend, and hold harmless the City and its governing body members, officers, and employees, from any claims or actions arising out of the presence, if any, of hazardous wastes or pollutants on the Subject Property. Nothing in this section will be construed to limit or affect any limitations on liability of the City under State or federal law, including without limitation Minnesota Statutes Sections 466.04 and 604.02.

5.02. Insurance. The Developer must keep all insurance coverage in force at all times that construction on the development is in progress. The insurance must name the City as an additional insured. The Developer shall, respectively, furnish certificate of insurance acceptable to the City, covering any public liability or property damage by reason of the operation of their equipment, laborers, and hazard caused by the Improvements, and include at least the following:

- a) Comprehensive general liability insurance (including operations, contingent liability, operations of subcontractors, completed operations and contractual liability insurance) together with any Agreement or Policy with limits against bodily injury, including death, and property damage (to include, but not be limited to damages caused by erosion or flooding) which may arise out of Developer's work or the work of any of their contractors. The exclusion for underground collapse shall be removed.
- b) Limits for bodily injury or death shall not be less than \$1,000,000.00 for one person and \$1,500,000.00 for each occurrence; limits for property damage shall not be less than \$2,000,000.00 for each occurrence.

- c) Worker's compensation insurance, with statutory coverage, if applicable.
- d) Developer shall file a Certificate of Insurance with the City Engineer prior to commencing site grading. Developer shall be responsible for insuring that the Certificate bear the following wording:

Should any of the above policies be canceled or terminated before the expiration date thereof, the issuing company shall give thirty (30) days written notice of cancellation or termination to the Certificate Holder.

5.04 Real Estate Taxes. Prior to the release of the Plat for recording, the Developer shall pay all real estate taxes associated with the Property and owed for the year in which the Plat is recorded, and the Developer shall provide proof to the City of such payment. If the Developer is required to convey any property to the City after July 1 of any calendar year, it shall be solely responsible for all real estate taxes owed on said property through the following calendar year.

ARTICLE SIX DEFAULT AND REMEDIES

6.01 Default by Developer. In the event of default by the Developer, the City may pursue any remedy at law or equity to enforce the terms of this Agreement. In the event of a Default as to any of the work to be performed hereunder by the Developer, their successors or assigns, the City may, at its option, perform the work and the Developer shall promptly reimburse the City for any expense incurred by the City, provided the Developer is first given notice of the work in default, not less than 72 hours in advance. The City is granted the right to declare any sums provided by this Agreement due and payable in full, and the City may immediately bring legal action against the Developer to collect the sums covered by this Agreement and/or draw upon the Construction Escrow described in Article Four of this Agreement. In the event the City draws from the Construction Escrow sums that exceed the costs or damage to the City, the City will return such excess amounts.

6.02 Complete Improvements-Right of Entry. In addition to the City's other remedies under this Agreement, if the Developer's breach involves failure to complete the Improvements, the City is hereby authorized, at its option, to enter on portions of the Property covered by the Final Plat and this Agreement, to complete the installation of any or all of the Improvements to which the default relates.

6.04 Rights Cumulative. No remedy conferred in this Agreement is intended to be exclusive and each shall be cumulative and shall be in addition to every other remedy. The election of any one or more remedies shall not constitute a waiver of any other remedy.

6.05 Attorney Fees. The Developer will pay the City's costs and expenses, including attorneys' fees, incurred in connection with the Development and in connection with any lawsuit or action

that is brought by or against the City relating to the Development, this Agreement, or a Letter of Credit furnished by the Developer relating to the Project.

ARTICLE SEVEN MISCELLANEOUS PROVISIONS

7.01. Amendment. Any amendment to this Agreement must be in writing and signed by all parties and recorded against the property.

7.02. Assignment. The Developer may not transfer or assign any of its obligations under this Agreement without the prior written consent of the City Council.

7.03. Agreement to Run with Land. The Developer agrees to record this Agreement among the land records of Ramsey County, Minnesota contemporaneously with recording the Final Plat. The provisions of this Agreement shall run with the land and be binding upon Developer and its successors in interest and assigns. Notwithstanding the foregoing, no conveyance of the Property or any part thereof shall relieve the Developer of its liability for full performance of this Agreement unless the City expressly so releases the Developer in writing.

7.04. Release. Upon completion and approval of all work required herein, including completion of the Improvements and acceptance of the Improvements to be transferred to the City, and satisfaction of all of the Developer's respective obligations under this Agreement, the City agrees to execute an instrument releasing all lots from the terms of this Agreement.

7.05. Severability. The provisions of this Agreement are severable, and in the event that any provision of this Agreement is found invalid, the remaining provisions shall remain in full force and effect.

7.06. Notices. All notices, certificates or other communications required to be given to City Developer shall be sufficiently given and shall be deemed given when delivered or when deposited in the United States mail, first class, with postage fully prepaid and addressed as follows:

CITY:

City of Roseville
2660 Civic Center Drive
Roseville, MN 55113
Attn: City Engineer

DEVELOPER:

Sophies, LLC
1874 Brenner Avenue
Roseville, MN 55113
Attn: Barry O'Meara

The City and Developer, by written notice, may designate different addresses to which subsequent notice, certificate or other communications should be sent.

7.07 No Third-Party Beneficiary. This Agreement and any financial guarantees required pursuant to its terms are not intended for the benefit of any third party.

7.08 Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota. The Developer agrees to comply with all laws, ordinances, and regulations of Minnesota and the City that are applicable to the Project.

7.09 Counterparts. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be an original and shall constitute one and the same Agreement.

7.10 Non-waiver. Each right, power or remedy conferred, respectively, upon the City or Developer by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the City, the Developer at law or in equity, or under any other agreement. Each and every right, power and remedy set forth in this Agreement or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City or the Developer, as the case may be, and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy. If either party waives in writing any default or nonperformance by the other party, such waiver shall be deemed to apply only to such event and shall not waive any other prior or subsequent default.

SIGNATURES:

IN WITNESS OF THE ABOVE, the duly authorized representatives of the parties have caused this Agreement to be executed in duplicate on the date and year written above.

CITY OF ROSEVILLE

By: _____
Danie J. Roe, Mayor

By: _____
Patrick Trudgeon, City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__
by Daniel J. Roe and by Patrick Trudgeon, the Mayor and City Manager, respectively, of the City
of Roseville, a Minnesota municipal corporation, on behalf of the City.

Notary Public

IN WITNESS OF THE ABOVE, the duly authorized representatives of the parties have caused this Agreement to be executed in duplicate on the date and year written above.

DEVELOPER

By: _____
Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__
by _____, the _____, of _____ on behalf of
the _____.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Kennedy & Graven, Chartered (RGT)
150 South Fifth Street, Suite 700
Minneapolis, Minnesota 55402-1299
Telephone: 612-337-9300

EXHIBIT A

Estimated Cost of Improvements

Bid Quantities

ROSEVILLE RESIDENTIAL (2560 FRY STREET)

Prepared February 13, 2023

Item No.	Contract Item To Furnish and Install	Est. Qnty.	Unit	Unit Price	Amount
SANITARY SEWER					
1	8" PVC (SDR 35) w/ granular bedding	248	L.F.	40	9,920
2	4" PVC, Schedule 40 Sanitary Sewer Service	180	L.F.	30	5,400
3	48" Dia. Manhole w/casting	1	EA.	7,500	7,500
4	Connect to Existing sanitary w/new manhole and pipe (complete)	1	L.S.	1	15,000
5	8 x 4 wye and bend	10	EA.	450	4,500
Subtotal					

Item No.	Contract Item To Furnish and Install	Est. Qnty.	Unit	Unit Price	Amount
WATERMAIN					
1	6" DIP CL 52	268	L.F.	40	10,720
2	Hydrant and Valve	1	EA.	11,000	11,000
3	1" Copper Type K water service	188	L.F.	25	4,700
4	1" Corporation	10	EA.	425	4,250
5	1" Curb Stop and Box	10	L.F.	400	4,000
6	Expose and Cap exist. 1" water service (Fry St.)	1	EA.	2,000	2,000
7	Connect to Exist Watermain W/6"x6" Tapping Valve and Sleeve	1	L.S.	9,000	9,000
8	Restore Street disturbed for San and Watermain construction	1	L.S.	8,000	8,000
9	Traffic Control	1	L.S.	1	2,500
Subtotal					

**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 held on the 7th day of August 2023 at 6:00 p.m.

The following Council Members were present: _____;
and _____ were absent.

Council Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. ____
A RESOLUTION APPROVING THE PROPOSED ‘DANNY BOY ESTATES’ FINAL PLAT
(PF23-002)**

WHEREAS, the Roseville City Council adopted Resolution 12003 approving the proposed Danny Boy Estates preliminary plat on July 10, 2023, based on the public record and City Council deliberation, with the following conditions:

1. Pursuant to the memo from Public Works Department staff in Attachment 4 of the RCA, the applicant shall create a homeowners association for maintenance of the shared driveway and storm water BMPs, and shall enter into an agreement pertaining to the public water and sanitary sewer improvements in the site.
2. Pursuant to the comments from Parks and Recreation Department staff in Attachment 4 of the RCA, the applicant shall submit payment of the \$38,250 park dedication fee before the City will release the signed mylars for recording at Ramsey County.

WHEREAS the proposed final plat is substantially the same as the approved preliminary plat;
and

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to approve the proposed Danny Boy Estates final plat, based on the public record and City Council deliberation, with the following conditions:

1. The applicant shall create a homeowners association for maintenance of the shared driveway and storm water BMPs, and shall enter into an agreement pertaining to the public water and sanitary sewer improvements in the site.
2. The applicant shall submit payment of the \$38,250 park dedication fee before the City will release the signed mylars for recording at Ramsey County.

WHEREUPON said resolution was declared duly passed and adopted.

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 10.e.

Department Approval



City Manager Approval



Item Description: Approve the Issuance of a Premise Permit for Minnesota Fastpitch Academy Foundation to Conduct Lawful Gambling Activities at 1744 Terrace Dr. (Bent Brewstillery)

Background

Minnesota Fastpitch Academy has submitted an application to conduct lawful gambling activities at Bent Brewstillery located at 1744 Terrace Drive. City Code Section 304 was amended March 13, 2017 to increase the maximum number of Premise Permits to 12. If approved, this will be the 9th permit.

Policy Objectives

Permitting requirements are set forth in City Code Section 304 and State Statute Chapter 349. Lawful gambling is permitted in the City if the organization meets the following criteria:

- Is licensed by the State Gambling Control Board
- Is a tax exempt organization pursuant to 501(c) of the internal revenue code
- Complies with all other requirements as set forth in City Code and State Statute

The applicant currently meets all local requirements, although licensing by the State is contingent upon local approval.

Racial Equity Impact Summary

There is no anticipated racial equity impact.

Budget Implications

City Code Section 304.04 requires that each organization contributes .5% of net sales and at least 10% of its net profits derived from lawful gambling in the City to a Fund administered and regulated by the City; for the purposes defined in Mn Statute Chapter 349.

Staff Recommendations

Staff recommends approval pending successful background checks.

Requested Council Action

Motion to approve the attached resolution granting a premise permit for Minnesota Fastpitch Academy pending successful background checks.

Prepared by: Katie Bruno, Deputy City Clerk

Attachments: 1. Application
2. Resolution

MINNESOTA LAWFUL GAMBLING

6/15 Page 1 of 2

LG214 Premises Permit Application**Annual Fee \$150 (NON-REFUNDABLE)****REQUIRED ATTACHMENTS TO LG214**

1. If the premises is leased, attach a copy of your lease. Use **LG215 Lease for Lawful Gambling Activity**.
2. \$150 annual premises permit fee, for each permit (non-refundable). Make check payable to "**State of Minnesota**."

Mail the application and required attachments to:
 Minnesota Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113
Questions? Call 651-539-1900 and ask for Licensing.**ORGANIZATION INFORMATION**

Organization Name: Minnesota Fastpitch Academy Foundation License Number: 93068

Chief Executive Officer (CEO) Lisa Bernstein Daytime Phone: 612-581-0021

Gambling Manager: Meggan Wrobel Daytime Phone: 763-218-3061

GAMBLING PREMISES INFORMATIONCurrent name of site where gambling will be conducted: Bent Brewstillery

List any previous names for this location:

 Street address where premises is located: 1744 Terrace Dr.
 (Do not use a P.O. box number or mailing address.)

City: <u>Roseville</u>	OR Township:	County: <u>Ramsey</u>	Zip Code: <u>55113</u>
------------------------	---------------------	-----------------------	------------------------

Does your organization own the building where the gambling will be conducted?

☐ Yes☒ No

If no, attach LG215 Lease for Lawful Gambling Activity.

A lease is not required if only a raffle will be conducted.

Is any other organization conducting gambling at this site?

☒ Yes☐ No☐ Don't know

Note: Bar bingo can only be conducted at a site where another form of lawful gambling is being conducted by the applying organization or another permitted organization. Electronic games can only be conducted at a site where paper pull-tabs are played.

Has your organization previously conducted gambling at this site?

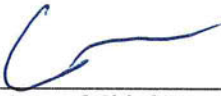
☐ Yes☒ No☐ Don't know**GAMBLING BANK ACCOUNT INFORMATION; MUST BE IN MINNESOTA**Bank Name: Old National Bank Account Number: [REDACTED]Bank Street Address: [REDACTED]**ALL TEMPORARY AND PERMANENT OFF-SITE STORAGE SPACES**Address (Do not use a P.O. box number): [REDACTED] City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]MNMN

ACKNOWLEDGMENT BY LOCAL UNIT OF GOVERNMENT: APPROVAL BY RESOLUTION

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: _____	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: _____ Date Signed: _____	Title: _____ Date Signed: _____
Local unit of government must sign.	TOWNSHIP NAME: _____ Complete below only if required by the county. On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.) Print Township Name: _____ Signature of Township Officer: _____ Title: _____ Date Signed: _____

ACKNOWLEDGMENT AND OATH

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. I hereby consent that local law enforcement officers, the Board or its agents, and the commissioners of revenue or public safety and their agents may enter and inspect the premises. 2. The Board and its agents, and the commissioners of revenue and public safety and their agents, are authorized to inspect the bank records of the gambling account whenever necessary to fulfill requirements of current gambling rules and law. 3. I have read this application and all information submitted to the Board is true, accurate, and complete. 4. All required information has been fully disclosed. 5. I am the chief executive officer of the organization. | <ol style="list-style-type: none"> 6. I assume full responsibility for the fair and lawful operation of all activities to be conducted. 7. I will familiarize myself with the laws of Minnesota governing lawful gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments to them. 8. Any changes in application information will be submitted to the Board no later than ten days after the change has taken effect. 9. I understand that failure to provide required information or providing false or misleading information may result in the denial or revocation of the license. 10. I understand the fee is non-refundable regardless of license approval/denial. |
|--|---|



Signature of Chief Executive Officer (designee may not sign)

 Date 7/25/23

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application. Your organization's name and address will be public

information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information;

Minnesota's Department of Public Safety, Attorney General, Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format, i.e. large print, braille, upon request.

An equal opportunity employer

LG215 Lease for Lawful Gambling Activity**LEASE INFORMATION**

Organization: Minnesota Fastpitch Academy Foundation	License/Site Number: 93068	Daytime Phone: 763-218-3061
Address: 3776 Connelly Ave	City: Arden Hills	State: Zip: MN 55112
Name of Leased Premises: <i>Blume Braukhaus, LLC dba Bart Brewstillery</i>	Street Address: <i>1744 Terrace Dr.</i>	
City: <i>Roseville</i>	State: Zip: MN <i>55113</i>	Daytime Phone: <i>651-233-3843</i>
Name of Legal Owner: <i>Bartley Blume</i>		
Name of Lessor (if same as legal owner, write "SAME"): <i>SAME</i>	Address:	
City:	State: Zip:	Daytime Phone:

Check applicable item:

- ☒ **New or amended lease.** Effective date: _____. Submit changes at least ten days **before** the effective date of the change.
- ☐ **New owner.** Effective date: _____. Submit new lease **within** ten days after new lessor assumes ownership.

CHECK ALL ACTIVITY THAT WILL BE CONDUCTED (no lease required for raffles)

- | | |
|---|---|
| ☐ Pull-Tabs (paper) | ☒ Electronic Pull-Tabs |
| ☒ Pull-Tabs (paper) with dispensing device | ☒ Electronic Linked Bingo |
| ☒ Bar Bingo ☐ Bingo | Electronic games may only be conducted: |
| ☒ Tipboards | 1. at a premises licensed for the on-sale of intoxicating liquor or the on-sale of 3.2% malt beverages; or |
| ☒ Paddlewheel ☐ Paddlewheel with table | 2. at a premises where bingo is conducted as the primary business and has a seating capacity of at least 100. |

PULL-TAB, TIPBOARD, AND PADDLEWHEEL RENT (separate rent for booth and bar ops)

BOOTH OPERATION: Some or all sales of gambling equipment are conducted by an employee/volunteer of a licensed organization at the leased premises.

ALL GAMES, including electronic games: Monthly rent to be paid: ____%, not to exceed **10%** of gross profits for that month.

- Total rent paid from all organizations for only booth operations at the leased premises **may not exceed \$1,750**.
- The rent cap does not include BAR OPERATION rent for electronic games conducted by the lessor.

BAR OPERATION: All sales of gambling equipment conducted by the lessor or lessor's employee.

ELECTRONIC GAMES: Monthly rent to be paid: 15 %, not to exceed **15%** of the gross profits for that month from electronic pull-tab games and electronic linked bingo games.

ALL OTHER GAMES: Monthly rent to be paid: 20 %, not to exceed **20%** of gross profits from all other forms of lawful gambling.

- If any booth sales conducted by a licensed organization at the premises, rent may not exceed **10%** of gross profits for that month and is subject to booth operation **\$1,750** cap.

BINGO RENT (for leased premises where bingo is the primary business conducted, such as bingo hall)

Bingo rent is limited to one of the following:

- Rent to be paid: ____%, not to exceed **10%** of the monthly gross profit from all lawful gambling activities held during bingo occasions, excluding bar bingo.
- OR -
- Rate to be paid: \$ _____ per square foot, not to exceed 110% of a comparable cost per square foot for leased space, as approved by the director of the Gambling Control Board. The lessor must attach documentation, verified by the organization, to confirm the comparable rate and all applicable costs to be paid by the organization to the lessor.
 - ⇒ **Rent may not be paid for bar bingo.**
 - ⇒ Bar bingo does not include bingo games linked to other permitted premises.

LEASE TERMINATION CLAUSE (must be completed)

The lease may be terminated by either party with a written 30 day notice. Other terms:

LG215 Lease for Lawful Gambling Activity

6/15 Page 2 of 2

Lease Term: The term of this agreement will be concurrent with the premises permit issued by the Gambling Control Board (Board).

Management: The owner of the premises or the lessor will not manage the conduct of lawful gambling at the premises. The organization may not conduct any activity on behalf of the lessor on the leased premises.

Participation as Players Prohibited: The lessor will not participate directly or indirectly as a player in any lawful gambling conducted on the premises. The lessor's immediate family and any agents or gambling employees of the lessor will not participate as players in the conduct of lawful gambling on the premises, except as authorized by Minnesota Statutes, Section 349.181.

Illegal Gambling: The lessor is aware of the prohibition against illegal gambling in Minnesota Statutes 609.75, and the penalties for illegal gambling violations in Minnesota Rules 7865.0220, Subpart 3. In addition, the Board may authorize the organization to withhold rent for a period of up to 90 days if the Board determines that illegal gambling occurred on the premises or that the lessor or its employees participated in the illegal gambling or knew of the gambling and did not take prompt action to stop the gambling. Continued tenancy of the organization is authorized without payment of rent during the time period determined by the Board for violations of this provision, as authorized by Minnesota Statutes, Section 349.18, Subd. 1(a).

To the best of the lessor's knowledge, the lessor affirms that any and all games or devices located on the premises are not being used, and are not capable of being used, in a manner that violates the prohibitions against illegal gambling in Minnesota Statutes, Section 609.75.

Notwithstanding Minnesota Rules 7865.0220, Subpart 3, an organization must continue making rent payments under the terms of this lease, if the organization or its agents are found to be solely responsible for any illegal gambling, conducted at this site, that is prohibited by Minnesota Rules 7861.0260, Subpart 1, item H, or Minnesota Statutes, Section 609.75, unless the organization's agents responsible for the illegal gambling activity are also agents or employees of the lessor.

The lessor must not modify or terminate the lease in whole or in part because the organization reported, to a state or local law enforcement authority or to the Board, the conduct of illegal gambling activity at this site in which the organization did not participate.

Other Prohibitions: The lessor will not impose restrictions on the organization with respect to providers (distributor or linked bingo game provider) of gambling-related equipment and services or in the use of net profits for lawful purposes.

The lessor, the lessor's immediate family, any person residing in the same residence as the lessor, and any agents or employees of the lessor will not require the organization to perform any action that would violate statute or rule. The lessor must not modify or terminate this lease in whole or in part due to the lessor's violation of this provision. If there is a dispute as to whether a violation occurred, the lease will remain in effect pending a final determination by the Compliance Review Group (CRG) of the Board. The lessor agrees to arbitration when a violation of this provision is alleged. The arbitrator shall be the CRG.

Access to Permitted Premises: Consent is given to the Board and its agents, the commissioners of revenue and public safety and their agents, and law enforcement personnel to enter and inspect the permitted premises at any reasonable time during the business hours of the lessor. The organization has access to the premises during any time reasonable and when necessary for the conduct of lawful gambling.

Lessor Records: The lessor must maintain a record of all money received from the organization, and make the record available to the Board and its agents, and the commissioners of revenue and public safety and their agents upon demand. The record must be maintained for 3-1/2 years.

Rent All-Inclusive: Amounts paid as rent by the organization to the lessor are all-inclusive. No other services or expenses provided or contracted by the lessor may be paid by the organization, including but not limited to:

- trash removal
- electricity, heat
- snow removal
- storage
- janitorial and cleaning services
- other utilities or services
- lawn services
- security, security monitoring
- cost of any communication network or service required to conduct electronic pull-tabs games or electronic bingo
- in the case of bar operations, cash shortages.

Any other expenditures made by an organization that is related to a leased premises must be approved by the director of the Board. Rent payments may not be made to an individual.

ACKNOWLEDGMENT OF LEASE TERMS

I affirm that this lease is the total and only agreement between the lessor and the organization, and that all obligations and agreements are contained in or attached to this lease and are subject to the approval of the director of the Gambling Control Board.

Other terms of the lease:

Signature of Lessor:

Date:

7/25/23

Signature of Organization Official (Lessee):

Date:

7/26/23

Print Name and Title of Lessor:

Bartley R Blume, Owner

Print Name and Title of Lessee:

Meghan Wrobel Gambling Mgr

Questions? Contact the Licensing Section, Gambling Control Board, at 651-539-1900. This publication will be made available in alternative format (i.e. large print, braille) upon request. **Data privacy notice:** The information requested on this form and any attachments will become public information when received by the Board, and will be used to determine your compliance with Minnesota statutes and rules governing lawful gambling activities.

Mail or fax lease to:

Minnesota Gambling Control Board
1711 W. County Road B, Suite 300 South
Roseville, MN 55113

Fax: 651-639-4032

1
2 **EXTRACT OF MINUTES OF MEETING OF THE**
3 **CITY COUNCIL OF THE CITY OF ROSEVILLE**

4
5 * * * * *
6

7 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of
8 Roseville, County of Ramsey, Minnesota was duly held on the 7th day of August, 2023 at 6:00
9 p.m.

10
11 The following members were present: Etten, Schroeder, Groff, Strahan, and Roe; and the following
12 were absent: None.

13
14 Member introduced the following resolution and moved its adoption:
15

16
17 **RESOLUTION NO. _____**
18

19 **RESOLUTION APPROVING A LAWFUL GAMBLING PREMISE PERMIT TO**
20 **MINNESOTA FASTPITCH ACADEMY**
21

22 WHEREAS, Minnesota Fastpitch Academy has applied for a lawful gambling premise permit to
23 conduct lawful gambling activities at 1744 Terrace Drive; and
24

25 WHEREAS, Minnesota Fastpitch Academy has met the local permit requirements as specified in
26 City Code, Section 304.
27

28 NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Roseville, Minnesota,
29 as follows:
30

31 The City of Roseville hereby approves the premise permit application of Minnesota Fastpitch
32 Academy to conduct lawful gambling activities at 1744 Terrace Drive.
33

34 The motion for the adoption of the foregoing resolution was duly seconded by member _____ and
35 upon a vote being taken thereon, the following voted in favor thereof: Etten, Schroeder, Groff,
36 Strahan, and Roe; and the following voted against the same: None
37

38 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 7th day of August, 2023, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 7th day of August, 2023.

Patrick Trudgeon,
City Manager

Seal

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/7/2023
Item No.: 10.f.

Department Approval



City Manager Approval



Item Description: Approve Be Active! Be Green! Bench Grant Agreement with Ramsey County

Background

As a part of Ramsey County's Be Active! Be Green! Bench Initiative, the City of Roseville has been awarded five benches to place along Lexington Avenue between County Road C and Lake Josephine, and two benches to place along Woodhill Drive between Lexington Avenue and Victoria Street.

The initiative aims to help create a physically active, friendly environment by providing bench routes with places to rest every quarter mile or less. The bench routes help promote active living – especially for the elderly, people with disabilities, and people with small children. The City already owns and maintains over a dozen of these Be Active! Be Green! benches.

This agreement allows the City to receive the benches from Ramsey County. In exchange, the City will install, maintain, and promote the use of the benches. The City would be required to install a concrete pad for the benches adjacent to existing sidewalks and pathways. The out-of-pocket cost to install the concrete pads is estimated to be \$7,500, funded by the Pathway and Parking Lot Fund. Installation is scheduled for fall 2023.

The City Attorney has reviewed the agreement.

Policy Objectives

It is City policy to keep City-owned infrastructure in good operating condition and to keep systems operating in a safe condition.

Racial Equity Impact Summary

The bench route was chosen to provide a more walkable connection between Central Park, the Roseville City Hall/Oval/License Center, and Ramsey County's Josephine Park. The route aims to facilitate more non-motorized transportation options to the single family homes, businesses, and more than seven multi-family/senior housing developments included along the route.

Budget Implications

The cost to install the benches is estimated at \$7,500, funded by the Pathway and Parking Lot Fund. Ongoing maintenance of the benches will be through existing operations funds.

36
37 **Staff Recommendations**

38 Staff recommends the City Council approve the Be Active! Be Green! Bench Grant
39 Agreement with Ramsey County.
40

41 **Requested Council Action**

42 Motion approving the Be Active! Be Green! Bench Grant Agreement with Ramsey County.
43
44

Prepared by: Jennifer Lowry, Assistant Public Works Director/City Engineer

Attachments: 1. Agreement
45

Be Active! Be Green! Bench Grant Agreement

This agreement dated _____ is between the County of Ramsey ("COUNTY") and City of Roseville ("GRANTEE").

RECITALS

- A. GRANTEE has requested COUNTY provide Be Active! Be Green! benches for placement on property GRANTEE owns or operates.
- B. COUNTY wishes to provide the requested benches and wishes to ensure that they will be placed as proposed and will be maintained.

AGREEMENT

THE COUNTY and GRANTEE AGREE THAT, in consideration of the COUNTY providing the indicated number of benches for no charge, the GRANTEE:

- A. Has a legal right to the trail, path, sidewalk, or other right-of-way ("right-of-way") upon which the benches will be installed. The legal right may be in the form of fee title, permanent recorded easement, or lease with a remaining term of no less than 20 years.
- B. Will provide transportation of the benches from a central distribution location to a safe and secure location prior to its transport to the location of installation, at GRANTEE's expense, within two weeks of being notified by email that the benches are ready for pick up. The safe and secure location shall provide protection of the bench from condition that may cause damage beyond normal wear and tear.
- C. Will assemble and install the provided benches, at GRANTEE's expense, on publicly accessible right-of-way at the locations indicated on Attachment A, and in accordance with the plans and details contained in the Be Active! Be Green! Bench Initiative documents and grantee's application attached here to as Attachment B, within one year of receipt. Installation shall include attaching the bench to a base sufficient to provide security and stability of the benches. The location and pad must meet Americans with Disability Act requirements.
- D. Will promote the availability of benches and the Be Active! Be Green! Bench Initiative to its residents and other visitors through its customary and usual communications tools including any community newsletter, organizational website, or other common means of communication and will be a part of the Active Living Ramsey Communities Coalition by being a part of its mailing lists and attend meetings when possible.
- E. Ensure each bench is maintained in safe and usable condition. The GRANTEE agrees that benches will be available for use by all people regardless of race, gender, economic background, or national origin.
- F. The GRANTEE is solely responsible for the future maintenance, repair, upkeep, or replacement of all benches installed.
- G. Will provide the specific location data for each bench in a format that can be integrated with the COUNTY's geographical information system (GIS).

- H. Will provide a photograph of each bench installed for use by COUNTY for its reporting, messaging, and marketing purposes.

OTHER TERMS:

- I. CANCELLATION and REMOVAL: GRANTEE agrees that, in the event a bench is removed or not maintained, that GRANTEE will reimburse COUNTY for the cost of the bench at a pro-rated amount based on a twenty-year useable life. If the bench is reinstalled at an COUNTY approved replacement location, either owned by GRANTEE or another partner, COUNTY may waive the reimbursement requirement.
- J. LIMIT OF COUNTY PARTICIPATION: The County's participation in this agreement is limited to providing funding for the initial supply of benches, coordinating delivery, and ensuring the benches are located, installed, maintained, and repaired, as it determines is necessary and as provided herein. Nothing herein shall be deemed to require the County to pay or perform maintenance, repair, or replacement on the provided benches.
- K. INDEMNIFICATION: The GRANTEE shall defend and indemnify the COUNTY, its officers, agents, and employees from all claims and causes of actions relating to or arising from the GRANTEE's installation, use, and maintenance of the benches, or their use and availability to visitors and other members of the public. This provision shall survive any termination of this agreement.
- L. ENTIRE AGREEMENT: This Agreement shall constitute the entire Agreement between the parties and shall supersede all prior oral or written negotiations and any amendments to this Agreement shall be in writing.

This Agreement is duly executed on the last date written below.

RAMSEY COUNTY

GRANTEE

By: _____

By: _____

Ryan O'Connor, County Manager

Print Name: _____

Date: _____

Date: _____

Approval Recommended:

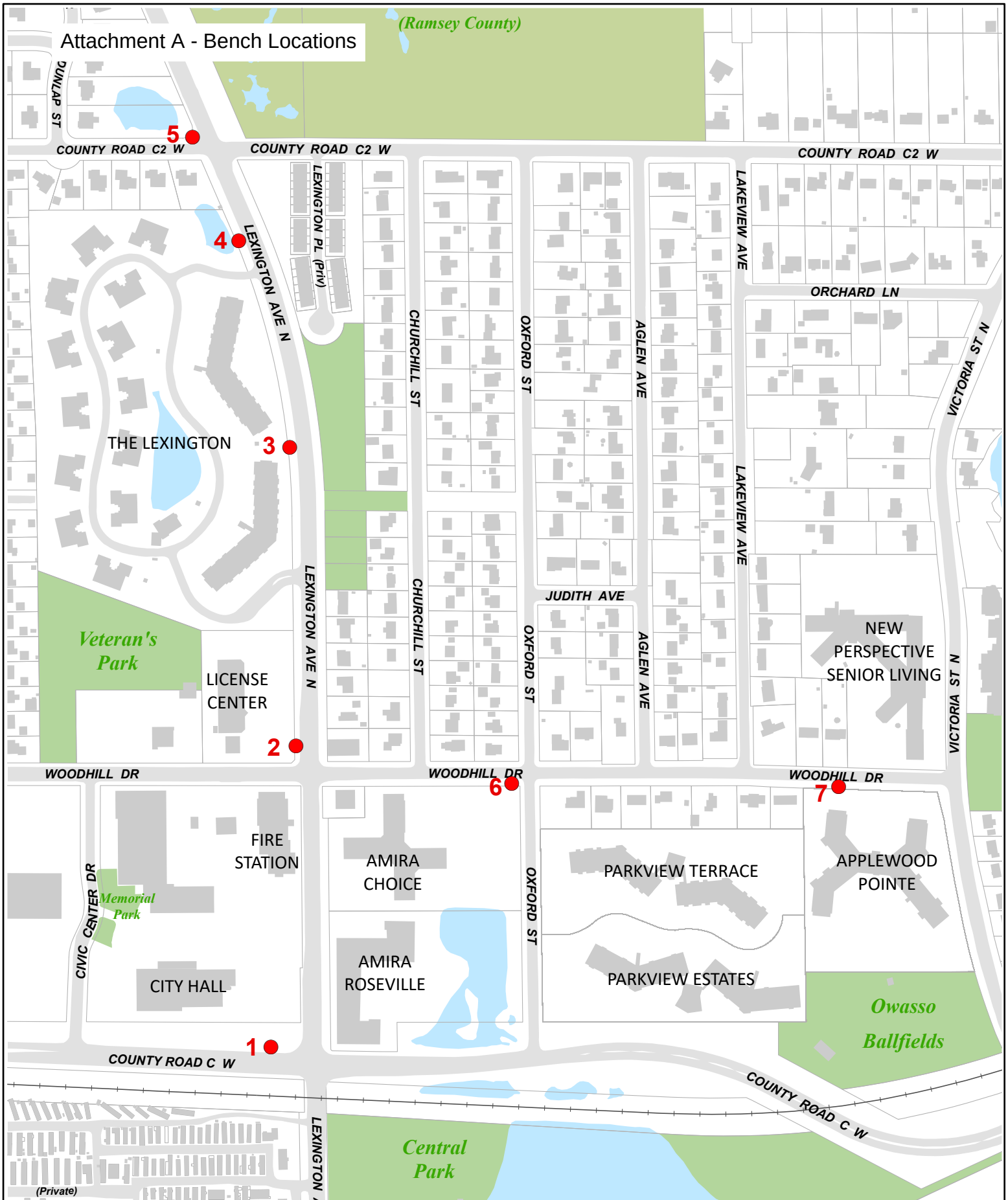
Brian Isaacson, Director

Ramsey County Public Works

Approved as to form:

Assistant County Attorney

Attachment A - Bench Locations



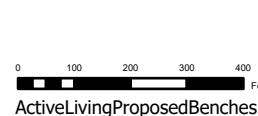
Active Living Proposed Bench Locations



Prepared by: Engineering Department
8/2/2023

Data Sources
 * Ramsey County GIS (7/3/2023)
 * City of Roseville Community Development
 * City of Roseville Finance Department

DISCLAIMER:
 This map is a highly researched map and is not intended to be used as a survey. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) data used to prepare this map are error free, and the City does not represent that the GIS data are to be used for engineering, surveying or any other purpose requiring accurate measurement of distance or direction or position or of geographic features. If errors or inaccuracies are found please contact 651-762-1070. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2005), and the user of this map acknowledges that the City will not be liable for any damages, and expressly waives its claims, and agrees to release, defend, indemnify, and hold harmless the City from any and all claims brought by user, its employees or agents, or third parties which arise out of the user's access or use of data provided.



Attachment B

Roseville Lexington/Woodhill Bench Route Updated

Name of sponsoring organization: City of Roseville Contact person: Jennifer Lowry Department and job title: City Engineer Is this a non-profit or government unit? : government unit Phone number: (651) 792-7042 Email address: jennifer.lowry@cityofroseville.com

Name and detailed description of bench route: A 1.2 mile length along Lexington Avenue and Woodhill Drive links 6 benches on a route between Roseville's Central Park and Ramsey County's Josephine Park Beach which includes The Oval, City Hall, License/Passport Center, Veterans Park, Owasso Ballfields, and 7 multi-family homes and senior communities.

Describe need for benches on route.: This route will serve 7 multi-family and senior housing communities (Applewood Pointe, Amira, Lexington Apartments, Lexington Place rowhouses, Roseville Estates mobile home park, and Rose Place

townhomes) in addition to single family residences along and near the route.

It connects Roseville's Central Park to Ramsey County's Josephine Park Beach.

In addition, the route includes access to additional recreation and public services at The Oval, City Hall, License/Passport Center, Veterans Park, and Owasso Ballfields.

Number of benches: 7

Bench type: Victoria Series

FUTURE MEETING AGENDA HIGHLIGHTS

August 7, 2023

August 21, 2023 City Council Meeting

- Hispanic Heritage Month Proclamation
- Receive League of Minnesota Cities Award of Excellence
- Receive City Manager's Preliminary Budget
- Consider Reasonable Accommodation Ordinance
- Discuss Sacred Settlement Zoning Code Changes

August 24, 2023 City Council Meeting

- Commission Applicant Interviews

September 11, 2023 City Council Meeting

- MnDOT Hwy. 36 Presentation

September 18, 2023 EDA Meeting

- EDA Budget Approval

September 18, 2023 City Council Meeting

- Finance Commission Recommendation on Budget

Future Agenda Review - Longer Term Initiatives

8/2/2023

(items that likely require council discussion/action)

<u>Item</u>	<u>Initiated By</u>	<u>Target Date</u>	<u>Status/Notes</u>
Accept classification & compensation study & recomm's	Staff/Council	Fall '23	implementation strategies discussion to follow
Envision Roseville final report & RFP for strategic plng	Staff/Council	Fall '23	(City Manager goal item)
Off-sale liquor license holders - 1 day suspension for 1st viola	Etten	Fall '23	Increase fine to \$2000 for 1st, staff will bring ord amend
Rooster Regulations	Council	Fall ' 23	Staff will review for changes in code
Commission scope/duties/functions implementation	Etten/Council	Fall '23	
Short term rental code updates	Council	Fall '23	(Issuance of new licenses suspended pending update)
Update SREAP with new goals/objectives	Staff/Council	Late '23	(City Manager goal item)
Strategic planning	Staff/Council	1st qtr '24	(City Manager goal item)
Roseville Fire role in medical transport	Staff	TBD	Ongoing discussions with Allina, etc.
Review need of pet licenses	Council	TBD	Staff review amount of licenses issued and report back
Sister City Relationship with Indigenous Tribal Nation	Strahan	TBD	
Zero Waste Packaging/Compostable Containers	Etten/Strahan	TBD	PWET will continue to work on issue and report back
City Speed Limit Review on Local Streets	Strahan/Council	TBD	PWET will continue to work on issue and report back
Update on shopping carts left in public r-o-w	Strahan	Summer '24	CD Director provided email 7/14 providing update
<u>City/EDA Budget Process</u>			
Receive City Manager proposed budget (w/ARPA imacts)	Staff/Council	Aug '23	(budget calendar item) (City Manager goal item)
Fin Comm budget recomm's & prelim levy/budget	Staff/Council	Sep '23	(budget calendar item)
Utility Rates & Fee Schedule	Staff/Council	Nov '23	(budget calendar item)
Adopt final budget, levy, utility rates, & fees	Staff/Council	Dec '23	(budget calendar item)