



Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, August 21, 2023

1. Roll Call

Mayor Roe called the meeting to order at approximately 6:00 p.m. Voting and Seating Order: Groff, Strahan, Etten, Schroeder, and Roe. City Manager Patrick Trudgeon and City Attorney Rachel Tierney were also present.

2. Pledge of Allegiance

3. Approve Agenda

Councilmember Schroeder requested removal of Item 10F (Approve Agreement with Alerus for Flexible Benefit and COBRA Administration) from the Consent Agenda for separate consideration.

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

Roll Call

Ayes: Groff, Strahan, Etten, Schroeder, and Roe.

Nays: None.

4. Public Comment

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

Mr. Rick Sanders, McCarrons Boulevard, thanked the City Council for the help that was given at Juneteenth this year. He stated it was a wonderful and exciting day. He explained without the City and all of the other sponsors it would be impossible to have done what was accomplished this year.

Ms. Kathy Ramundt; Do Good Roseville, also thanked the City Council for a great opportunity to show what can be done when there is public and private collaboration on events.

Mr. Etienne Djevi indicated he was a part of the organizing committee for Juneteenth, and he also wanted to thank the City, the Council and everyone who participated in making the event what it was. He presented a photo of Mr. Matt Johnson, Parks and Recreation Director, showing him hanging the Juneteenth bunting.

Mayor Roe received the thanks from the community.

5. Recognitions, Donations, and Communications

a. Proclaim Hispanic Heritage Month

Mayor Roe read the Hispanic Heritage Month Proclamation.

Etten moved, Groff seconded, proclaiming September 15, 2023 to October 15, 2023 Hispanic Heritage Month.

Roll Call

Ayes: Groff, Strahan, Etten, Schroeder, and Roe.

Nays: None.

b. Receive 2023 League of Minnesota Cities Sustainable City Award

Sustainability Specialist Noelle Bakken presented the League of Minnesota Cities Sustainable City Award to Mayor Roe and the City Council.

Ms. Bakken introduced Mr. Luke Fischer, Executive Director of League of Minnesota Cities, and Mr. Larry Odebrecht, LMC Board Member and Stillwater Councilmember, who presented the City with the 2023 Sustainable City award.

Mr. Fischer explained who the League of Minnesota Cities is as an association.

Mr. Odebrecht talked to the City Council about the project that was submitted, and a video was shown.

A brief recess was called in order to take a photo with Ms. Noelle Bakken, Mayor Roe, and the City Council accepting the award.

Mayor Roe thanked the League of Minnesota Cities for the award and recognition.

6. Items Removed from Consent Agenda

a. Approve Agreement with Alerus for Flexible Benefit and COBRA Administration

At the request of Mayor Roe, City Manager Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated August 21, 2023.

Councilmember Schroeder indicated she did not have an issue with the vendor but wanted to talk about a few details missing in this staff report. She thanked Mr. Trudgeon and staff for providing that information for her. What she would like to see going forward, is some of those details in future packets. For example, she would like to see the current vendor, the names of the other companies that the City received bids from, and also the cost. It was not apparent how much this contract was worth, and she knew there were other things involved other than the cost but that is important for her. Usually there is a spreadsheet showing the current vendor with costs, bids with the different line items, and the total cost of the bid.

Strahan moved, Groff seconded, authorizing the City Manager to sign the Master Agreement..

Council Discussion

Councilmember Strahan indicated being in Human Resources, she had a good experience with Alerus herself and she supports the use of this, especially in light of them being of relatively similar costs and hopefully better service than what has been experienced.

Roll Call

Ayes: Groff, Strahan, Etten, Schroeder, and Roe.

Nays: None.

7. Business Items

a. Consider Amending City Code Chapter 316 Relating to Sale of Tetrahydrocannabinol (THC) Products.

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request For Council Action and related attachments dated August 21, 2023.

Councilmember Strahan asked if there is an additional cost to have a THC license added to the liquor license.

Mr. Trudgeon indicated there would be separate THC licenses so the applicant would have to pay that and would be approved by the City Council. He noted the fee is three hundred dollars.

Councilmember Strahan asked in reference to compliance, would the inspection also include checking to make sure the business carries a license for THC.

Mr. Trudgeon reviewed the compliance check process, noting it would also check to make sure the business has the proper licenses.

Public Comment

Mayor Roe offered an opportunity for public comment with no one coming forward.

Strahan moved, Groff seconded, enactment of Ordinance No. 1638 entitled, "An Ordinance Amending Title 3, Chapter 316 Tetrahydrocannabinol (THC) Products Related to Establishments Holding a License under Minnesota Statute Chapter 340A."

Roll Call

Ayes: Groff, Strahan, Etten, Schroeder, and Roe.

Nays: None.

Etten moved, Schroeder seconded, publication of Ordinance Summary No. 1639 entitled, "An Ordinance Approving Publication of an Ordinance Summary of the Amendment to Title 3, Chapter 316 of the Roseville City Code in Order to Regulate Establishments Holding a License Under Minn. Stat. 340A."

Roll Call (2/3 majority Required)

Ayes: Groff, Strahan, Etten, Schroeder, and Roe.

Nays: None.

- b. Receive the 2024 City Manager Recommended Budget and Tax Levy**
City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request For Council Action and related attachments dated August 21, 2023.

Councilmember Schroeder thanked Mr. Trudgeon for the presentation. She asked for clarification on Attachment 2 that talks about the City tax levy from 2020 to 2024. She asked if the levy increase is supposed to be the difference between 2023 and 2024.

Mr. Trudgeon indicated it is but in looking at the numbers before the meeting, this is a little bit short of that.

Councilmember Schroeder indicated she came up with \$1,962,391, the difference between the two so she was wondering if the graph was incorrect, and the levy increase correct.

Mr. Trudgeon explained the levy increase is correct. He indicated the 2024 number is correct.

Finance Director Michelle Pietrick explained the 2023 number includes the EDA levy, which is the difference.

Mr. Trudgeon explained he pulled the numbers for the presentation and did not double check with Ms. Pietrick.

Councilmember Schroeder noted the proposed 2024 budget slide shows "other services and charges" and that is a really big number. She knew Mr. Trudgeon provided her with some details on this, but she suggested this amount might be broken down a little further.

Mr. Trudgeon explained that is a large number, but staff is trying to summarize the categories. Attachment #4 of the packet show in more detail department budgets by function. Each division is broken down by personnel services, other services, capital, and is the sum of all of the different things. This covers a lot of different

things, and he thought maybe removing the word 'other' might help or provide some additional detail.

Ms. Pietrick explained this is actually the categories that are in the City's Annual Comprehensive Financial Report and that is standard reporting language. It is quite a large number simply because the proprietary funds are included in that.

Councilmember Schroeder asked if that includes the amount the City is paying St. Paul for water. She guessed in a way, that might need to be broken out separately because that is a big number.

Mr. Trudgeon indicated staff could put some notes in there and maybe have a subset. It is a culmination of all of the different divisions, kind of lumped together as a summary basis, and the details are in each of the different categories.

Councilmember Schroeder asked for clarification, about all of the compensation adjustments. With the STEP increases, the study adjustments, and the COLA, that is over a nine percent increase in compensation, if all three are added together.

Mr. Trudgeon indicated it could be. He noted he was trying to put a cap on this. He explained there was the combination of COLA, and the other part really depends on the market and each person is going to experience it differently.

Mayor Roe noted it might be helpful to have the budget broken down into the operating category and the capital category so people can see what is changing. He thought it might help people to understand what is changing in the budget if staff can note that aspect of it separately.

Mr. Pietrick explained one of the attachments, attachment six in the packet, explains all of the expenditure changes from 2023 to 2024 by the various functional categories.

Mr. Trudgeon thought staff could summarize and break them down to show what is in those categories.

Mayor Roe indicated he appreciates all of the work that goes into this and the presentation.

c. Discussion Regarding Ordinance Language Pertaining to Sacred Communities and Micro-Unit Dwellings

Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request For Council Action and related attachments dated August 21, 2023.

Mayor Roe clarified that under the State Law that was passed, the City or cities have the option of either permitting these uses as permitted uses in the Zoning Code or the City can permit them as conditional uses. Conditions cannot be added beyond what is called for in the requirements in State Statute. He indicated one of the questions he had asked staff was certainly for a lot of permitted uses in the City, there are a number of standards in the Zoning Code, one of his questions was how much or to what extent could the City apply those types of standards to a permitted in the Zoning Code under State Law. He believed the response he received was practically none.

City Attorney Tierney explained that appeared to be the case. It is not explicitly clear and does not say permitted use cannot have any conditions, it just says conditional use cannot have any conditions. She cannot see a rational interpretation that it would be the intent of the Legislature, to say a permitted use can have conditions, and the conditional use cannot.

Mayor Roe indicated where he was going with this was especially something like units per acre, where when looking at a development, the City is concerned about the density and number of trips generated, which may not be a factor in this type of development. But, there are factors along those lines that are all a part of what the City considers and if the City cannot do anything along those lines that becomes concerning. In his mind, a faith community could come in with a proposal on a very small lot to put seventy-five micro units on and as long as it meets the State requirements, the City does not really have the ability to do anything about it.

Ms. Gundlach indicated she had a thought, noting under the requirements of the bill there is a whole section about the sacred community requirements. In the sacred community section which says, "provide the municipality with a written plan approved by the religious institutions governing body that outlines adequate parking, lighting and access to units by emergency vehicles". At one point, the City Attorney, in communications with her and the Mayor, indicated that to the extent their plan does not adequately address access to the units by emergency vehicles, there might be some ability for the City to intervene there and that might have some impact on density. If the concern is how many of these things are being put into a certain size property, to make sure that emergency vehicles can still safely access the units, and parking too.

Mayor Roe explained the plan is provided to the City but is approved by the governing body of the institution. The City does not necessarily have an approval step on that plan; the City just receives the plan and perhaps provide insight from its perspective.

City Attorney Tierney indicated that was correct. She thought the City would have to be somewhat creative in order to enforce those kinds of standards, but she cannot see a court telling a city that they have to allow a settlement to go in that the City

would be unable to protect. She thought there were certain life and safety requirements that, regardless of what the State Law says, the City would be able to enforce just as a matter of common sense.

Mayor Roe explained one thing in the State Law is that, at the very end of the law, it states "Micro units must comply with municipal setback requirements established by Ordinance for manufactured homes. If a municipality does not have such an Ordinance, micro units must be set back on all sides by at least ten feet." He did have some questions about exactly how that is interpreted but pointed out the section of the City Code that was provided to the Council as a bench handout related to setbacks for manufactured homes. There are front yard setbacks, side yard setbacks, setbacks from streets, and exterior boundaries. There is also one category in the City Code that is called "Distance Between Mobile Homes Twenty Feet" but given that it is not called a setback, he was unsure if it can be enforced as one, although in the State Law it talks about ten feet on all sides. He did not know if that meant ten feet on all sides of each unit or ten feet on all sides of the cluster of units. He would be curious about this.

Councilmember Strahan indicated when she read this, she was concerned that some church facilities might be able to put housing on front yards. She wondered if there was anything that would prevent that if there was ten feet around the home.

Ms. Gundlach explained her thought was if Councilmember Strahan was concerned about a front yard setback, the setback standards for their manufactured home park is what would apply, and staff provided those as a bench handout.

Mayor Roe did not think the City had a lot of options, but a conditional use does not make sense if other conditions cannot be applied to it.

Councilmember Etten indicated he was not ready to make a motion yet, but agreed with Mayor Roe that part of what the City should be looking for is to have manufactured home park setbacks and rules come back to make sure the City's language is clear to reduce confusion in the future.

Councilmember Strahan indicated this is on units under 400 square feet. She wondered if there was a next category on what constitutes a cottage home and does the City have the ability to make any changes or address that or is that something the City should consider in the future.

Ms. Gundlach explained somebody wanting to take advantage of this legislation has to meet these requirements full stop and if someone wants to build a 401 square foot unit, it is considered a courtyard cottage under the City's Zoning Code and would have to meet all of the zoning requirements, the building code, connect to sewer and water, etc.

Mayor Roe summarized that the direction to staff is to look at, as they discussed, doing this as a permitted use and update the code language as appropriate, pay special attention to manufactured home table and language there, and consistency of the use of the term manufactured home versus mobile home.

d. Discussion Regarding Adoption of A “Reasonable Accommodation” Ordinance

Senior Planner Bryan Lloyd briefly highlighted this item as detailed in the Request for Council Action and related attachments dated August 21, 2023.

Councilmember Etten explained looking at the folks who originally reached out about this, they were talking about up to twenty-four residents living on site. As he thought about that and the health impacts for the people living there, he did not know many homes, in the traditional sense, can have twenty-four people. He asked if it is reasonable thinking that there is a cap of two or three people per bedroom in a home or thinking about the number of people per bathroom. He asked if those are things the City can do, thinking about the impact on neighbors if there were twenty or twenty-four people living in a place. He noted if all of them had cars, it would be a parking lot situation and barring a parking lot, there would be a fairly large impact on the neighbors. He asked what kinds of things the City can have for the health and welfare for the people staying in the place as well as the impact beyond the place itself, on the neighborhood.

City Attorney Tierney explained those are appropriate considerations. She would encourage the City Council not to get too far into this one application. What she can say is that sober houses are certainly a growing model Nationwide and the issue of sober homes going into cities is being litigated frequently. It is a very evolving part of the law and also very unpredictable where a court will land. All of those factors are fact-based and everything the City Council is going to look at is to weigh facts to make decisions. The purpose of the Ordinance is to do just what Councilmember Etten is saying, outlying, what should be looked at, what is relevant for the City when making this consideration. When these cases come before the City Council, the record that is made is going to be very important and how thoughtful the Council is will be very important but to answer Councilmember Etten’s actual question, she thought those considerations would be very appropriate.

Mayor Roe thought the particular application, at twenty-four, stood out as quite a high number and creates the question of what a good number is to allow.

City Attorney Tierney explained a bright line is fairly indefensible, part of reasonable accommodation and concept of reasonable accommodation is an individualized assessment of the situation such as what are the needs and what are the consequences and how can those needs be met. It would not be okay for the

City to say, “no more than 3 per bedroom”. There needs to be an individualized assessment done of the situation, every time.

Mayor Roe noted in Chapter 906 of the Building Maintenance Code, the City does have occupancy limitations related to sleeping quarters. But, once again, he thought the point of reasonable accommodation is to say yes, the City has that but how does that apply or does that apply to the situation that is being looked at under the other standards or additional standards that the City has to consider.

Councilmember Strahan indicated from an HR perspective, this is a business and so there will need to be staff. In her experience with actually having worked in sober housing, is that the staff had to have a private bedroom on to their staff regulations. So there needs to at least be one or more locations where a staff person would have access to a private location where they could be sleeping and housed as well. She noted in that regard, there were folks that had sex offender status who were in the buildings. So considering how that would play out with the neighborhoods, especially if there were any type of notification process and what the time frame would be. There were also people regularly overdosing in the building so another issue is access to the public safety system and making sure there was access to the building. She was not saying the City can make those choices, but she did think it was important to know that those are things that are there. She thought it was good to know about the safety of that building, and that the City really needs to do everything it can to make changes. In her experience, this was in a neighborhood where there were only eight people in a house and there were four houses in a row that shared staff. She would also like to know what the reimbursement rate is.

Councilmember Groff wondered if there needs to be a type of licensing and inspections.

Mayor Roe thought it was kind of a zoning decision.

City Attorney Tierney explained it is a zoning decision. Different cities have tried to license it with minimal success. Rental licenses could be applied and there may be some regulatory options, which she is happy to look into but mainly what is being talked about is the density.

Mayor Roe explained he observed this process before in another city and in that particular community, the decision making was done by the City Council. He knew that the proposed draft ordinance is to have it a staff decision appealable to the City Council as the Board of Adjustments and Appeals. From City Attorney Tierney’s experience in working with other cities and her firm’s experience, he asked whether the preferred model as opposed to having the decision made by the City Council, is to have it appealable to the City Council.

City Attorney Tierney explained a lot of cities are doing exactly this. This is a pretty common ordinance. The issue is essentially what the Council is doing is allowing staff to approve and if it gets denied it will be appealed and then it will go before the City Council.

Councilmember Schroeder thought this was a good proposal on what the City should do for an ordinance. She was in favor of how this is written and makes a lot of sense to her.

Mayor Roe appreciated the information from staff.

8. Council Direction on Councilmember Initiated Agenda Items

9. Approve Minutes

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

a. Approve July 24, 2023 City Council Meeting Minutes

Etten moved, Groff seconded, approval of the July 24, 2023 City Council Meeting Minutes as presented.

Roll Call

Ayes: Groff, Strahan, Etten, and Roe.

Nays: None.

Abstain: Schroeder.

b. Approve August 7, 2023 City Council Meeting Minutes

Groff moved, Schroeder seconded, approval of the August 7, 2023 City Council Meeting Minutes as presented.

Roll Call

Ayes: Groff, Schroeder, and Roe.

Nays: None.

Abstain: Etten, Strahan.

10. Approve Consent Agenda

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated August 21, 2023 and related attachments.

Schroeder moved, Etten seconded, approval of the Consent Agenda including claims and payments as presented and detailed.

Roll Call

Ayes: Groff, Strahan, Etten, Schroeder, and Roe.
Nays: None.

a. Approve Payments

ACH Payments	\$1,116,169.91
107312-107449	815,982.21
TOTAL	\$1,932,152.12

- b. Approve 2 Temporary Liquor Licenses**
- c. Approve General Purchases Exceeding \$10,000 or Sale of Surplus Items**
- d. Adopt Resolution No. 12012 Approving a City SAC Credit Policy**
- e. Certify Unpaid Utility Charges to the Property Tax Roll. Resolution No. 12013**
- f. Removed for Separate Consideration**
- g. Approve Dish Wireless Antenna Lease Agreement at Alta Vista Tower**
- h. Approve First Amendment to New Cingular Wireless Antenna Lease at Alta Vista Tower**
- i. Adopt Resolution No. 12014 Prohibiting Parking on Dale Street by the Nature Center**
- j. Approve No Parking Resolution No. 12015 for Dale Street from Larpenteur Avenue to Lovell Avenue**
- k. Authorize Purchase Order with Flagship Recreation for Playground Engagement, Design, Equipment, and Installation**
- l. Adopt Resolution No. 12016 to Accept Roseville Police Foundation Donation**

11. Future Agenda Review, Communications, Reports, and Announcements – Council and City Manager

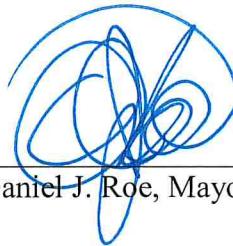
City Manager Patrick Trudgeon reviewed the August 24, 2023 City Council meeting, September 11, 2023 City Council meeting, the September 18, 2023 EDA and City Council meetings, and the September 25, 2023 City Council meeting agendas.

12. Adjourn

Etten moved, Strahan seconded, adjournment of the meeting at approximately 7:58 p.m.

Roll Call

Ayes: Groff, Strahan, Etten, Schroeder, and Roe.
Nays: None.



Daniel J. Roe, Mayor

ATTEST:



Patrick J. Trudgeon, City Manager