



City Council Agenda

Monday, September 18, 2023

6:15 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)

6:15 p.m. **1. Roll Call**

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

2. Pledge of Allegiance

6:16 p.m. **3. Approve Agenda**

6:17 p.m. **4. Public Comment**

6:20 p.m. **5. Recognitions and Donations**

a. Proclaim Constitution Week

6. Items Removed from Consent Agenda

7. Business Items

6:25 p.m. a. Receive Finance Commission recommendations on the 2024 City Manager budget, tax levy and 2024-2043 CIP

6:55 p.m. b. MnDOT Presentation on the Hwy 36 Transportation Study

8. Council Direction on Councilmember Initiated Agenda Items

7:25 p.m. a. City Council Direction on Councilmember Strahan Initiated Agenda Item - School Resource Officers

9. Approval of City Council Minutes

10. Approve Consent Agenda

7:45 p.m. **11. Future Agenda Review, Communications, Reports, and Announcements - Council and City Manager**

a. Future Agenda Review

7:50 p.m. **12. Adjourn**



Constitution Week

September 17-23, 2023

Whereas: September 17, 2023, marks the 236th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

Whereas: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

Now, Therefore Be It Resolved, that the City Council hereby declare September 17-23 to be Constitution Week in the City of Roseville and urges all citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In the City of Roseville, County of Ramsey, State of Minnesota, U.S.A

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Roseville to be affixed this 18th day of September 2023.

Mayor Daniel J. Roe

REQUEST FOR COUNCIL ACTION

Date: 9/18/2023
Item No.: 7.a.

Department Approval



City Manager Approval



Item Description: Receive Finance Commission recommendations on the 2024 City Manager budget, tax levy and 2024-2043 CIP

Background

The Finance Commission reviewed the 2024-2043 Capital Improvement Plan and the 2024 City Manager recommended budget & tax levy at their meetings over the past few months. The Commission's findings and recommendations are highlighted below.

2024 City Manager Recommended Budget & Tax Levy

The Commission reviewed the 2024 City Manager Recommended Budget & Tax Levy at their August and September meetings. The Finance Commission made a recommendation to support the City Manager's recommended budget and levy increase of 8.99%.

2024-2043 Capital Improvement Plan and Funding Strategies

The Finance Commission had a discussion on the 2023-2042 Capital Improvement Plan (CIP) at their July, August and September meetings. The Finance Commission recommended support of the 2023-2042 CIP, however they would like to examine the staff cost-benefit analysis done to determine when vehicles are replaced. The Commission will be provided with staff data on the cost-benefit analysis which is used to determine when vehicles are replaced at their November meeting.

Wanda Davies, Chair of the Finance Commission, will be in attendance at the meeting to present the Commission's recommendations on the 2024 Preliminary Budget and Tax Levy and the 2023-2042 Capital Improvement Plan.

Policy Objectives

See above

Racial Equity Impact Summary

No racial equity impact on this item

Budget Implications

See above

Staff Recommendations

Requested Council Action

The Council is asked to receive the recommendations on the 2024 Budget and tax levy and on the 2024-2043 CIP from the Finance Commission.

39

Prepared by: Michelle Pietrick, Finance Director

Attachments:

1. Excerpt of Finance Commission Minutes 7-11-23
2. Excerpt of Finance Commission Minutes 8-23-23
3. Excerpt of Finance Commission Draft Minutes 9-12-23

40

Finance Commission Excerpt of Meeting Minutes July 11, 2023

First Review of Draft Capital Improvement Plan 2024-2043

Chair Davies asked how staff handles inflation in these forecasts.

Ms. Pietrick noted there was a clear directive to everyone that staff was to look at the larger ticket items, specifically, but to look at all the items and to value them as of today's cost. Previously, the Capital Improvement Plan was based on historical costs. She reviewed the process with the Commission. She indicated staff prepares a twenty-year plan and it is a good planning tool to look long range to see what might be coming up and to start incrementally looking at increasing a small dollar amount in taxes to see what that does to upcoming years. Staff looks at this every year and updates projects and costs each year. She reviewed the Police Department's planning for vehicles. She indicated staff has been ordering 2024 vehicles even though the CIP has not been approved due to the fact that it takes so long to get the vehicles.

Commissioner Derauf explained by ordering the vehicles now it actually saves the City money because if the City waits to order the vehicles until the year the vehicle is needed the price will have gone up.

Ms. Pietrick indicated that was correct. She explained a lot of the cities in her peer group have been trying to order vehicles and right now production has been constrained because it is still recovering from the COVID years and in Roseville's case, the Police Officers like the Dodge Chargers and the City has been told that those vehicles probably will not be made after 2024. The City is looking at switching to the Durango, which is slightly more expensive, and another problem is going from Charger to Charger sometimes the equipment can be moved but the equipment cannot go from a Charger to a Durango.

Chair Davies noticed the numbers in there for 2024 for a Police vehicle was \$40,000 and she wondered if that will be the actual cost in 2024 but then there is the same price going out 20 years. She wondered if this was just a placeholder.

Ms. Pietrick explained staff has really focused attention on the first five years. When staff went through this and recommended additional levies, the charts were all negative without the infusions of additional resources. During discussion with the City Manager, levy increases were forecasted or one time grant dollars were used to help fund a minimum of five years of capital improvements. For Police and Fire equipment funds, in place of levy increases we are using a one-time public safety aid the City is getting from the State.

Ms. Pietrick reviewed with the Commission the different equipment for the departments and the process staff went through to figure out what future costs may be. She thought next year there will be more details on specific projects. All of the departments do a very good job of planning and if something is not needed it is moved further out.

Commissioner Bester asked if the State Bonding for the Oval, \$756,024, is locked in.

Finance Commission Minutes

July 11, 2023

Page 2 of 2

47 Ms. Pietrick explained the City has requested it, but she did not remember if it was successful
48 this Legislative Session or not. She knew the City received some State Bonding last year but did
49 not get everything that was requested so the City requested the remaining projects and if it was
50 not approved this Legislative Session the City will pursue State Bonding again next year.

51
52 The Commission discussed with staff the recycling contract and trash collection agreements.
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Finance Commission Excerpt of Meeting Minutes August 23, 2023

Discuss the 2024 City Manager Recommended Budget and Tax Levy

City Manager Patrick Trudgeon reviewed the 2024 City Manager recommended Budget and Tax Levy.

Vice-Chair Sagisser asked if the compensation study was going to stop the arguments and inflation issue brought up by the various unions.

Mr. Trudgeon indicated it would and would also help with non-union employees by keeping and attracting employees to the City of Roseville.

Commissioner Derauf asked if Roseville is currently charging credit card fees to users.

Mr. Trudgeon indicated the City is not currently charging credit card fees. He has suggested it each year, but the challenge is it can be built into the fees, but the City wants to be sensitive to that, especially with Park and Recreation fees. The City wants to make sure things are affordable. Right now, the City is paying the fees but this is something staff will continue to look at.

Mr. Trudgeon continued with the presentation.

Commissioner Bester indicated the nine percent levy increase proposed, covered partly by the median value increases, related to that, the whole nine percent kind of disappoints him, but there might be some brighter news, depending on what comes from Ramsey County. Last year, the levy proposed ended up being pretty close to what the property tax increase was for homeowners.

Ms. Pietrick explained that last year the average median valued residential property went up 12.9 percent and the City's ending levy increase was six percent. The city levy is the total dollar amount that is needed to balance the budget. The impact is going to be different across the various property types because Ramsey County takes the dollar levy the City submits, and then spreads it across the entire tax base. The commercial and apartment values have increased greater than the residential so there will be a shift in the allocation of levy dollars. Right now, based on the percentages and based on history, the single family, homesteaded residences are not going to necessarily see a nine percent increase.

Commissioner Bester thought that the history of the assessed property values jumped quite a bit in commercial, not so much in residential and this is where he sees some hope because the City has been adding a lot of housing units and a lot of that is apartments and commercial properties.

Mr. Trudgeon indicated that was correct. He indicated the EDA levy is going down \$40,000 which will help offset some increases. He indicated if the Commission has questions to reach out to either himself or Ms. Pietrick before the September meeting.

Continued Review of the Capital Improvement Plan

Finance Director Michelle Pietrick reviewed the Capital Improvement Plan in order for the Commission to discuss. She indicated the City is going to close the IT Fund and the fund balance is being disbursed to other funds, which offset any increased property tax levies in those funds.

The Commission indicated they would have more discussion once all the information has been received and reviewed.

Finance Commission Excerpt of Draft Meeting Minutes – September 12, 2023

Establish Recommendation on the 2024 City Manager Budget and Tax Levy

Finance Director Pietrick reviewed the 2024 City Manager budget and tax levy with the Commission. She noted staff received the tax base information from the County that was not available at the last meeting. She explained staff calculated the estimated impact of the City Manager's current budget and tax levy which results in an increase of \$8.00 per month or a 7.9% increase. The City also has an EDA tax levy, which is actually going down sixteen cents a month. The combined change on a monthly basis is \$7.84. The annual change on the median valued home is \$94.08 increase for the year. She noted these are estimates based on data staff has at this time.

Commissioner Derauf asked what the median value is.

Ms. Pietrick indicated she did not have that number off the top of her head.

Commissioner Bester thought it was \$349,900.

Ms. Pietrick explained one of the things discussed in August was the fact that the growth in the residential property did not go up as much as the overall impact. The current budget has a levy increase of 8.99% but the homeowner of a median valued home will see a lower percent increase.

Chair Davies indicated commercial is presumably carrying a bigger load.

Ms. Pietrick indicated that was correct. She noted that the majority of cities present the tax impact based on the median valued home and this is a homesteaded home versus a non-homesteaded home because a non-homesteaded home would pay more. There are various categories of property -residential, apartments, commercial, industrial, and then other properties. If you look at the total taxable assessed values and divided it into residential and everybody else, everybody else is growing at a faster rate than residential. That is an inverse of last year where the residential value went up by almost 13%. She indicated Commissioner Bester asked some questions and she tried to answer them, the Minnesota tax system is not easy to understand to begin with, and when she started trying to look at the impact to a commercial property it was complicated as there are many different categories and tax rate impacts.

Ms. Pietrick explained the tax base the City uses is referred to as the net tax capacity by staff. In 2020 the net tax capacity for all property was \$54 billion dollars. The estimated 2024 net tax capacity is \$71 billion dollars. Over the course of time, it has increased significantly. 2020 increased by 7.6% over 2019, 2021 increased 9.3%, 2022 increased 2.6%, 2023 increased 10.2% and the estimated 2024 is a 5.9% increase. That is the entire tax base of the City, residential, commercial, industrial, apartments. Every property type changed at different rates but based on estimates, commercial is probably going to see a bigger increase than it did in 2022.

Finance Commission Minutes
September 12, 2023 – *Draft Minutes*
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Ms. Pietrick noted over the last five years the median valued home has increased \$77,000. She explained that the total impact to the median value home, the \$96.00 per year, actually can be broken down to how much is related to the value increase versus the budget increase and for 2024 \$54.00 is due to the value increase in that property and \$42.00 is due to the increase in budget and tax levy dollars needed to balance the budget.

Ms. Pietrick indicated last year there was a \$108.00 increase for the year for the median value home. \$140.00 was value impact and minus \$32.00 was the budget impact. What she is trying to say is value changes can have a big swing in what an individual property sees, and the median value is the midpoint on a residence, half of the residential properties are below that and half are over.

Ms. Pietrick noted over the past five years the local tax rate really has not adjusted by much, maybe half a point.

Chair Davies asked if Ms. Pietrick had a sense, the commercial end of it, is that coming from new businesses that are coming to Roseville or is it just that the commercial property is more valuable.

Ms. Pietrick indicated that commercial property is has increased in value, on the apartment side the City had some big ones come on board and are in tax increment districts. She explained what tax increment meant.

Commissioner Bester explained he had been in discussions with Ms. Pietrick and the essence of his question to her was if he looked at the annual financial statement, looked at the ten-year history of the assessed value of properties, commercial versus residential, commercial which includes apartments, have approximately doubled in the ten year period and not the case with residential which he thought made sense. His expectation and hope was that the 8.99% levy increase would be less than that for residential because of the growth in commercial and multi-family and it is true, it is 7.6% instead of 8.99%. Honestly, he was hoping for more than that based on looking at all of the development that goes on. He was looking for some assessed value information for commercial.

Ms. Pietrick indicated she has an email into the County because the City was not provided with that level of detail on property valuations.

Ms. Pietrick continued with her review of the 2024 City Manager Budget and Tax Levy.

Chair Davies indicated on page 35, the budget summary by function and administration is increasing by almost fifty-four percent. She wondered if that is due to the compensation study.

Ms. Pietrick explained the reason that is increasing is because the IT operating fund is now a part of administration. She reviewed in the information where the change was made.

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Chair Davies wondered why under the police section community services is increasing by forty-seven percent. She wondered if that is the social worker that is no longer funded.

Ms. Pietrick explained the housing navigator would be a part of police administration. She explained in the community services section the administrative CSO went from a .8 fte to a full time equivalent of one which increased the budget by about \$18,500 and then the animal hospital contract increased by almost \$15,000.

Chair Davies asked on page 36, what was the building replacement fund increase of \$574,000 for.

Ms. Pietrick explained in the building replacement fund, the biggest items are replacing the rooftop heat/ac unit on City Hall; the heating boilers in the Police Department building; and compressors at the Ice OVAL as well as three items at the OVAL that are part of State Bonding request. Those items were offset with State Bonding revenue but the City did not get the State Bonding so these items will be moved to 2025. The expenses and the revenues will both move to 2025.

Chair Davies indicated the golf course is losing money and she wondered if there was a plan or an idea how to stop the drain on the City budget.

Ms. Pietrick explained the capital was moved over to the facilities fund and she thought staff was a little conservative in the revenue projections for 2024 as revenues have been trending higher.

Chair Davies explained the golf course has negative net assets and more red ink.

Ms. Pietrick explained the problem with the net assets is that it is an enterprise fund and staff is required to record depreciation on the building and equipment. If this was not a requirement, the operations would just about break even.

Commissioner Bester explained he struggles with this because if he uses the City tennis courts, he does not pay a nickel but if he were to go to the City golf course, he would need to pay a fee.

Chair Davies thought it was a good point. They do not expect the rest of the parks to show a profit or to break even.

Ms. Pietrick explained Central Park uses tax dollars to pay for the park.

Chair Davies agreed but the thing is there is no fee associated with using Central Park. The City does not look at how much income comes into Central Park versus how much it costs to maintain it, whereas the golf course they do.

Commissioner Sagisser thought it was probably because the golf course collects fees to use it and that everyone has the expectation that it would break even.

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Chair Davies thought maybe they should adjust thinking to consider it to be a part of the City's recreation amenities, because it is relatively more expensive, people do pay fees but nevertheless it is ok if it does not cover all of the costs because it provides a recreational service to people.

Ms. Pietrick noted golf is not the only thing people do on that property. In the winter people do use the course to cross-country ski and snowshoe. It is not just a golf course; it is a park amenity, and it has a Community building available for rental.

Chair Davies appreciated Ms. Pietrick's attention to detail. She asked if the Commission was ready to make a recommendation in favor of the budget as written. She noted she has not heard any discussion of things that should be changed.

The Commission concurred that they would like to see the tax levy be reduced but agreed that inflation was a factor and the 2023 budget was underestimated.

Ms. Pietrick reviewed some of the resources the City has used to reduce costs throughout the year.

Commissioner Bester moved, seconded by Commissioner Sagisser to recommend the City Council approve the 2024 City Manager Budget and Tax Levy as written. **The motion carried unanimously.**

Establish Recommendation on the 2024-2043 Capital Improvement Plan

Finance Director Pietrick reviewed the 2024-2043 Capital Improvement Plan.

Chair Davies stated her only thought, as a result of the tour is she knows when she looks at what she spends for a vehicle, it is a lot more expensive to have a brand-new car than to drive one that is ten years old, even though you need to spend more for maintenance. She was surprised and a little taken aback that the City has exclusively new dump trucks that are being driven for 50,000 miles and not trying to get more life out of those. She was not going to recommend this Capital Improvement Plan, but it is something that they might want to discuss to see a little bit more analysis that really demonstrates that it is the most cost-effective thing or is it because Public Works wants brand new trucks.

Commissioner Sagisser explained even if it is that Public Works just wants brand new trucks, if the trucks are costing a fortune and it is taking forever to get them, has the math changed in the last year than what it has been in the last fifteen or twenty years.

Ms. Pietrick explained staff has been analyzing lease options that come with an interest component. The lead time on vehicles is over a year and a half so even if the plan says to replace it at ten years, the City is having to hold them longer, simply because the City is not allowed more than one vehicle off the State contract currently because there is a shortage of vehicles and all cities are looking for police cars, dump trucks, plow trucks, all those pieces of equipment.

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179 She indicated she can talk to Public Works Director Freihammer about when they last updated
180 the cost analysis.
181
182 Chair Davies indicated this topic could go on a future agenda for discussion after more
183 information is received.
184
185 Commissioner Davies moved, seconded by Commissioner Derauf, to recommend the City
186 Council approve the Capital Improvement Plan. **The motion carried unanimously.**
187
188

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 9/18/2023
Item No.: 7.b.

Department Approval



City Manager Approval



Item Description: MnDOT Presentation on the Hwy 36 Transportation Study

Background

The Minnesota Department of Transportation (MnDOT) is looking ahead to the future of Hwy 36 in Roseville, Little Canada, and Maplewood. The 8-mile segment of Highway 36, from Cleveland Avenue/I35-W, to just east of English Street, and the roads that cross Highway 36, are the subject of the Highway 36 Transportation Study. Roseville staff has been engaged in the process and serve on the Project Management Team. The Study is broken into three phases:

Phase 1: Purpose and Need (February 2023 – September 2023)

Phase 2: Alternatives Evaluation (September 2023 – February 2024)

Phase 3: Study Document (February 2024 – April 2024)

Phase 1 of the Study is nearly complete and has the following goals:

Gain an understanding of the current conditions of Hwy 36 and begin to evaluate those conditions against long-term transportation goals for the cities, county and state.

Develop a deep, holistic understanding of the transportation needs of people who live and travel within and through the study area. Provide people the opportunity to share their vision and ideas for future improvements that could meet those needs.

Examine how technical analyses and public input line up to reveal key areas where needs and concerns are compounded.

MnDOT's Project Manager for this study, David Elvin, will be presenting information to the City Council about the study.

Attached is a map of the study corridor and the presentation slides. More information can also be found on the project website:

www.dot.state.mn.us/metro/projects/hwy36maplewood-roseville/

Policy Objectives

It is a City goal to create a sustainable transportation network by encouraging more efficient use of existing roadways and limiting the need for future roadway expansion.

36
37 **Racial Equity Impact Summary**

38 This is a study that will identify potential projects. There are no equity impacts at this
39 time. As a part of the study's data gathering and needs assessment, community
40 demographics, including race, has been collected, analyzed, and will be incorporated into
41 future projects.

42
43 **Budget Implications**

44 This is a study that will identify potential projects. The City of Roseville may cost participate
45 in future projects, but that is not yet known and future projects would return to the Council
46 before using City funds.

47
48 **Staff Recommendations**

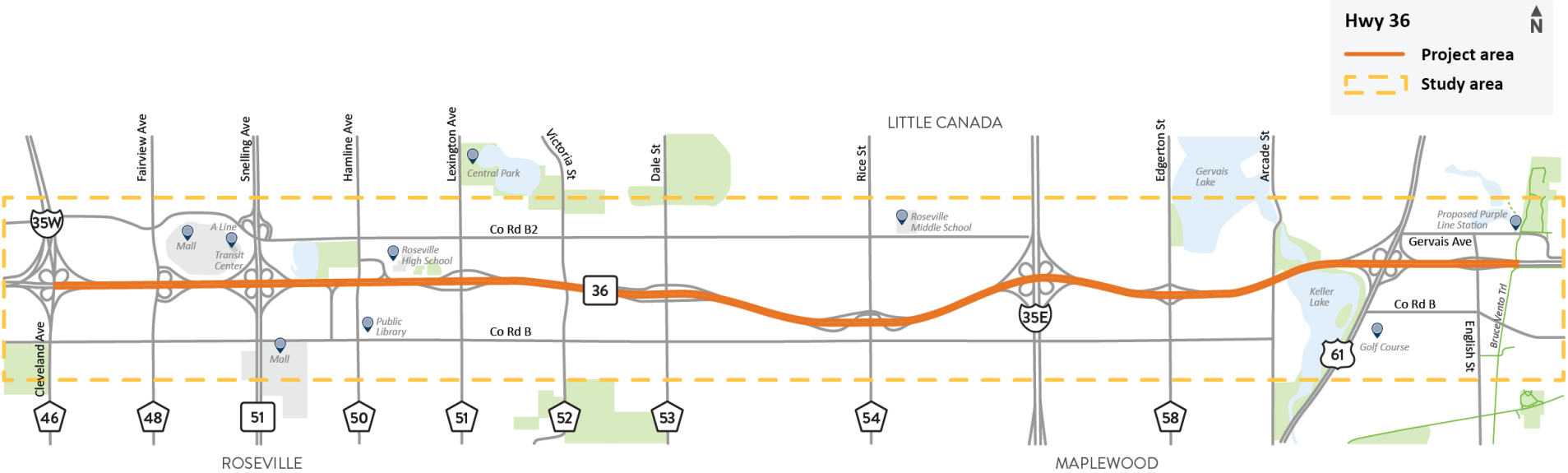
49 Receive the presentation from the Minnesota Department of Transportation on the Hwy 36
50 Transportation Study.

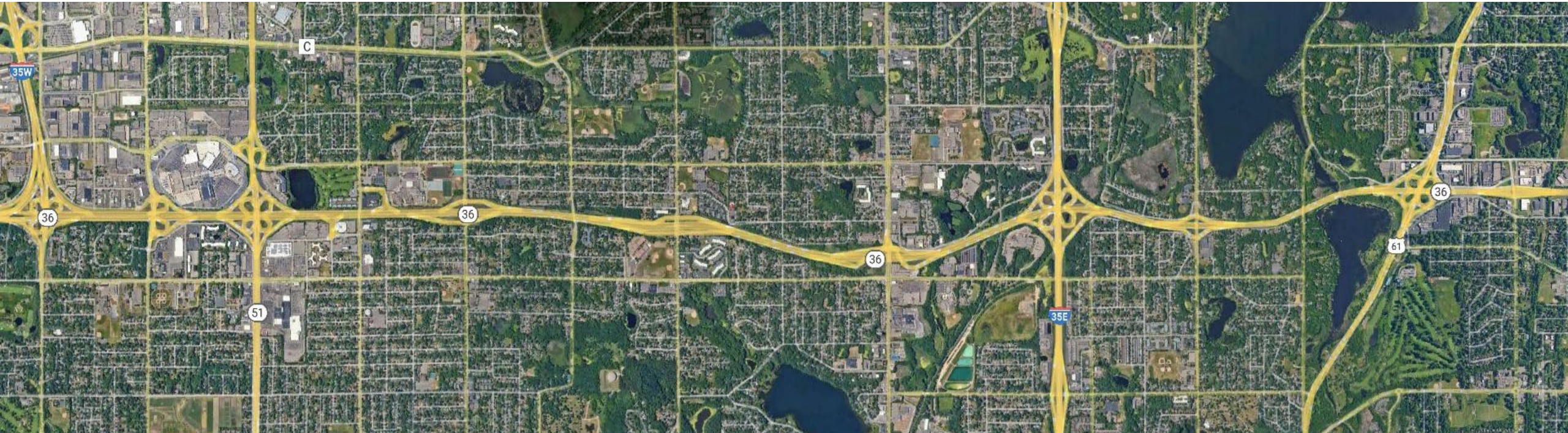
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52 **Requested Council Action**

53 None.
54

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

Attachments: 1. Map
2. Presentation





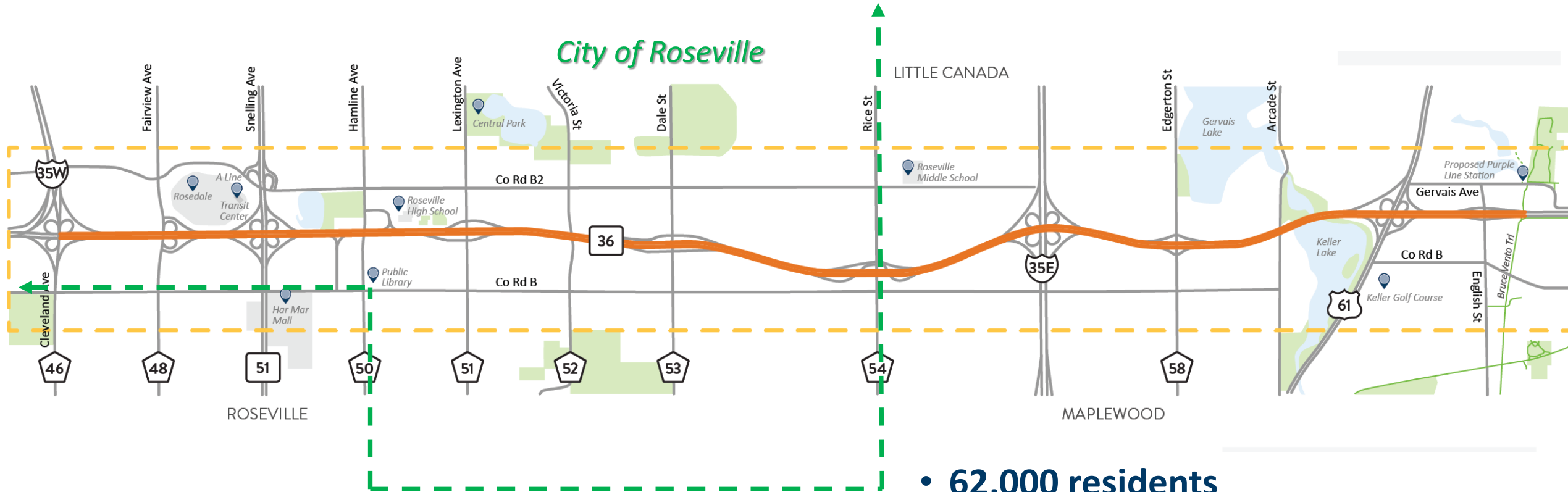
MN 36 Transportation Study presentation to Roseville City Council David Elvin, Metro District Planning



Sept 18, 2023



Study Area – Roseville, Little Canada, Maplewood



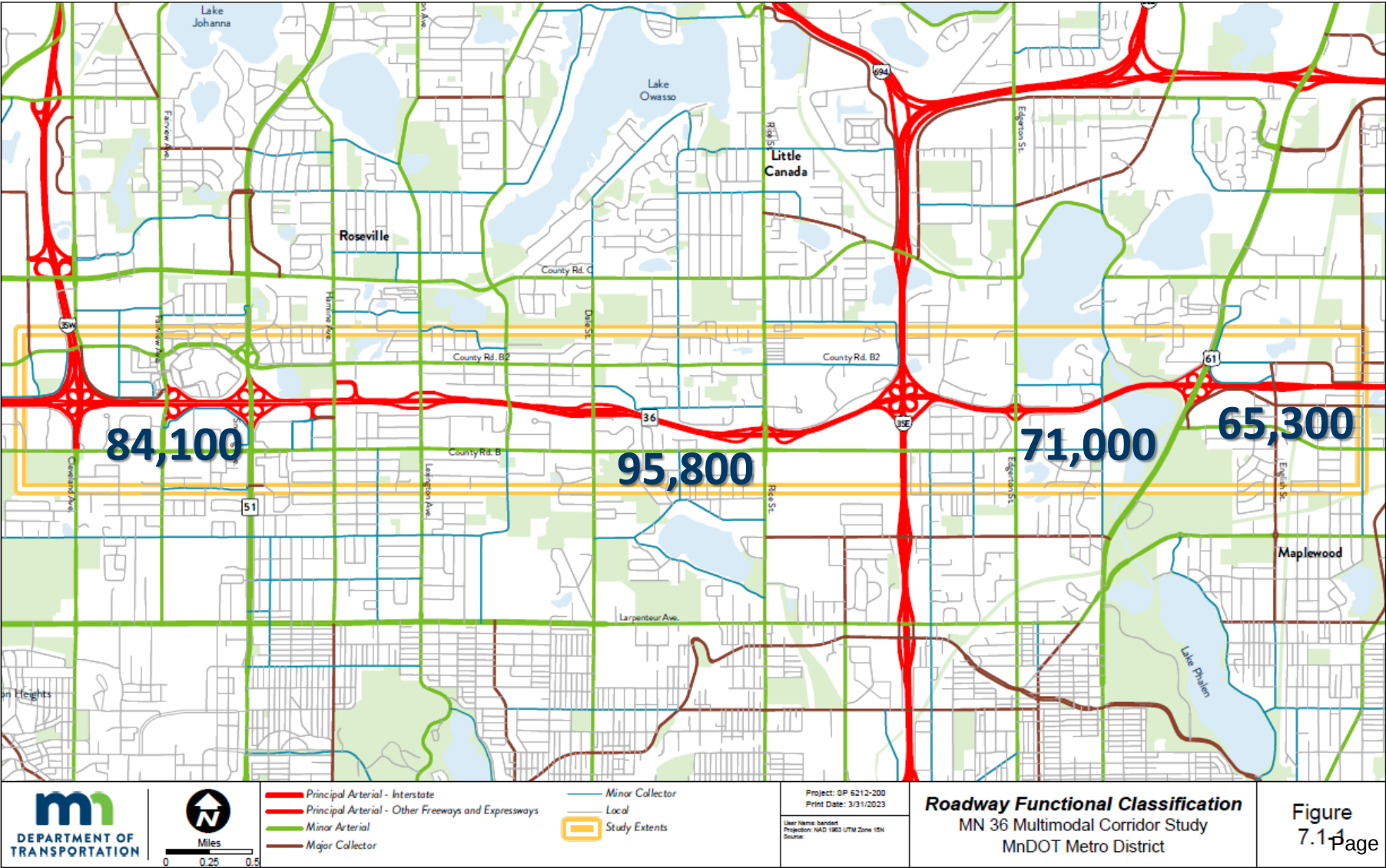
- 62,000 residents
- 17,000 jobs (most commute in)
- 65,000-93,000 trips/day on MN 36



MN 36 Vehicle Trips

Principal arterials

MN 36 AADT:



Traffic data: Nov 4-11, 2022



Study Summary



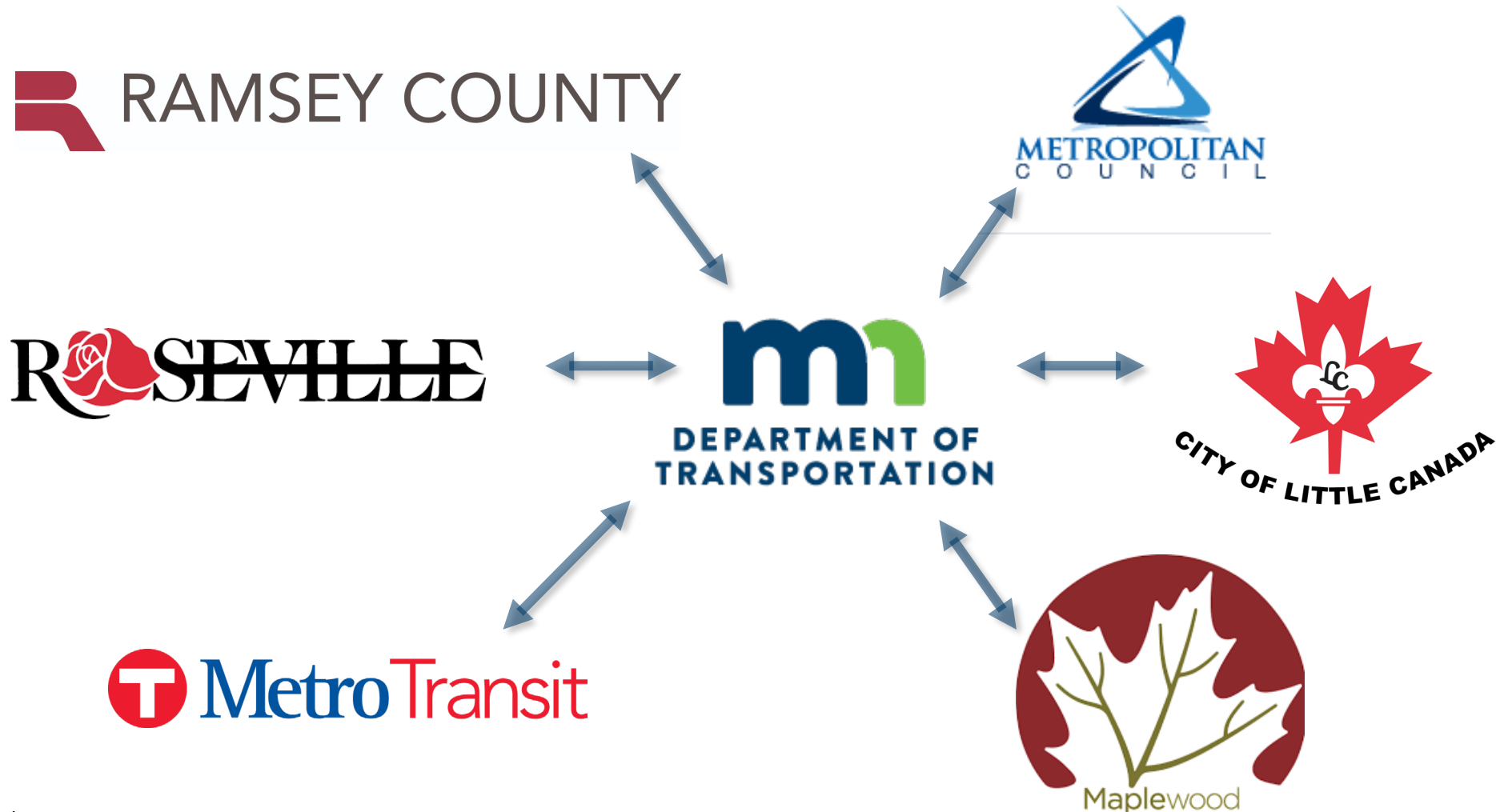


Schedule

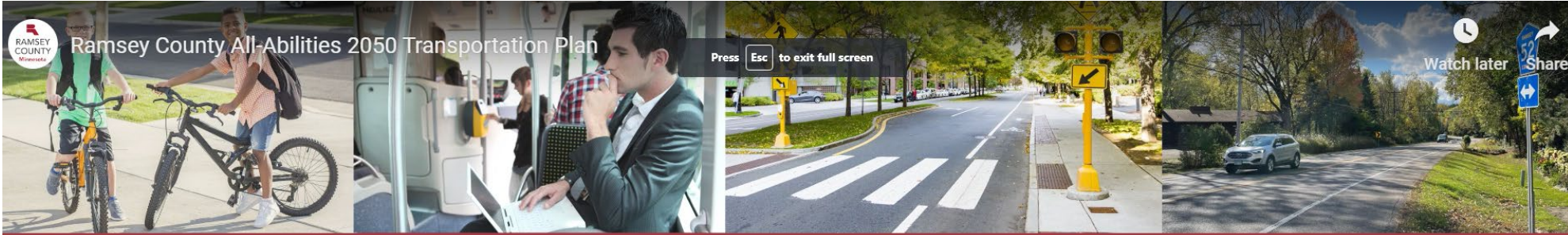




Study Partners



Ramsey County All Abilities 2050 Transportation Plan





Why this Study?

Previous plans

- City comprehensive plans: Roseville, Little Canada, Maplewood
- 2018 E-Z Pass Study: add 1-2 managed lanes
- Ramsey County: Bike barriers; crossings at Lexington and Fairview Aves
- Washington Cnty Transit Feasibility Study: Stillwater to downtown Mpls
- Met Council Transitway Corridor Study 2014: Oakdale to downtown Mpls
- Metro Transit: Purple Line BRT (route being re-evaluated)



City of Roseville Comprehensive Plan 2040

Future Land Use

- Plan expects Commercial and Business transition to mixed uses.
- Two “Special Study Areas” include HarMar and Rosedale Malls.

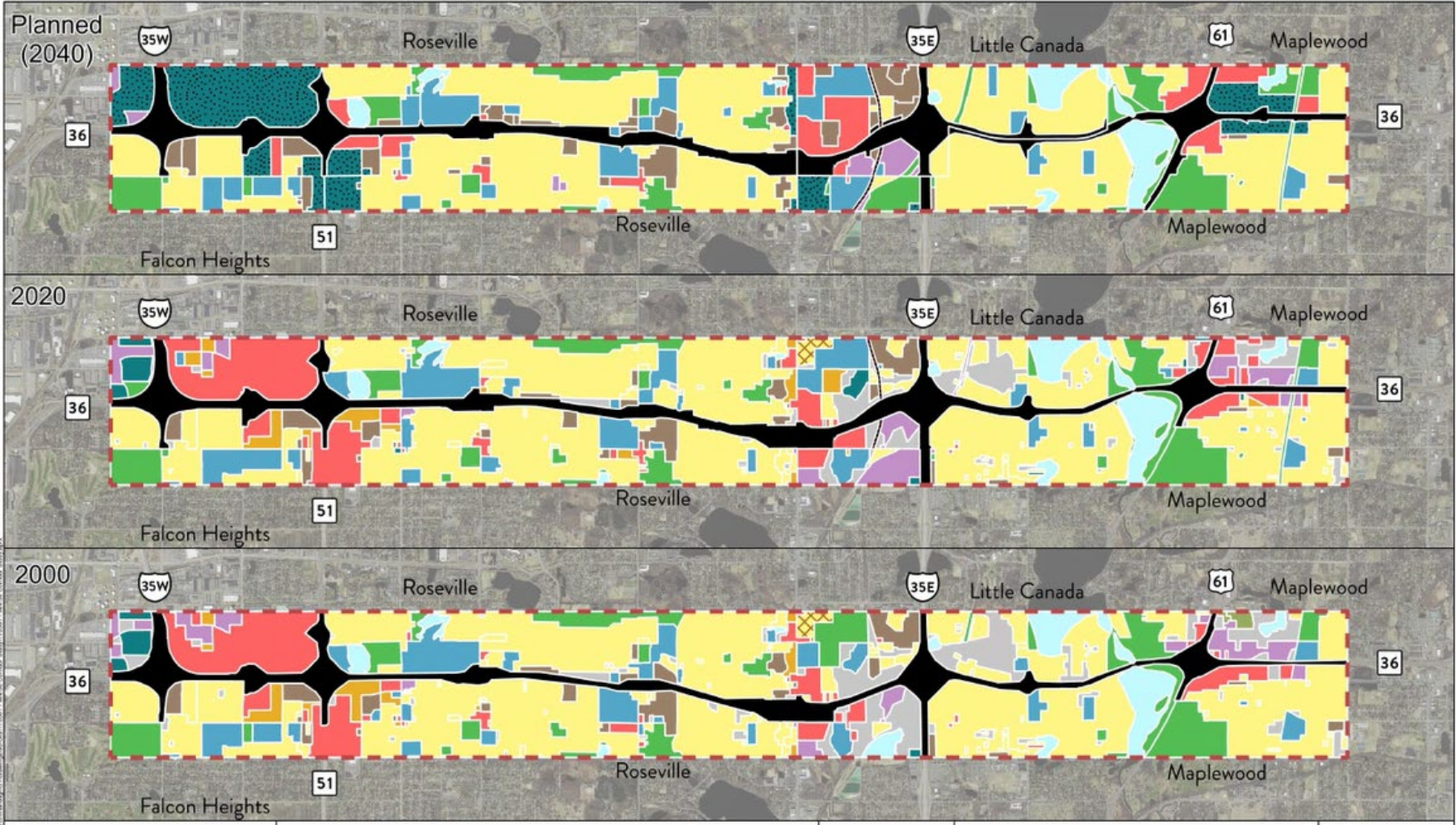


Why this Study?

Planned
2040

2020

2000



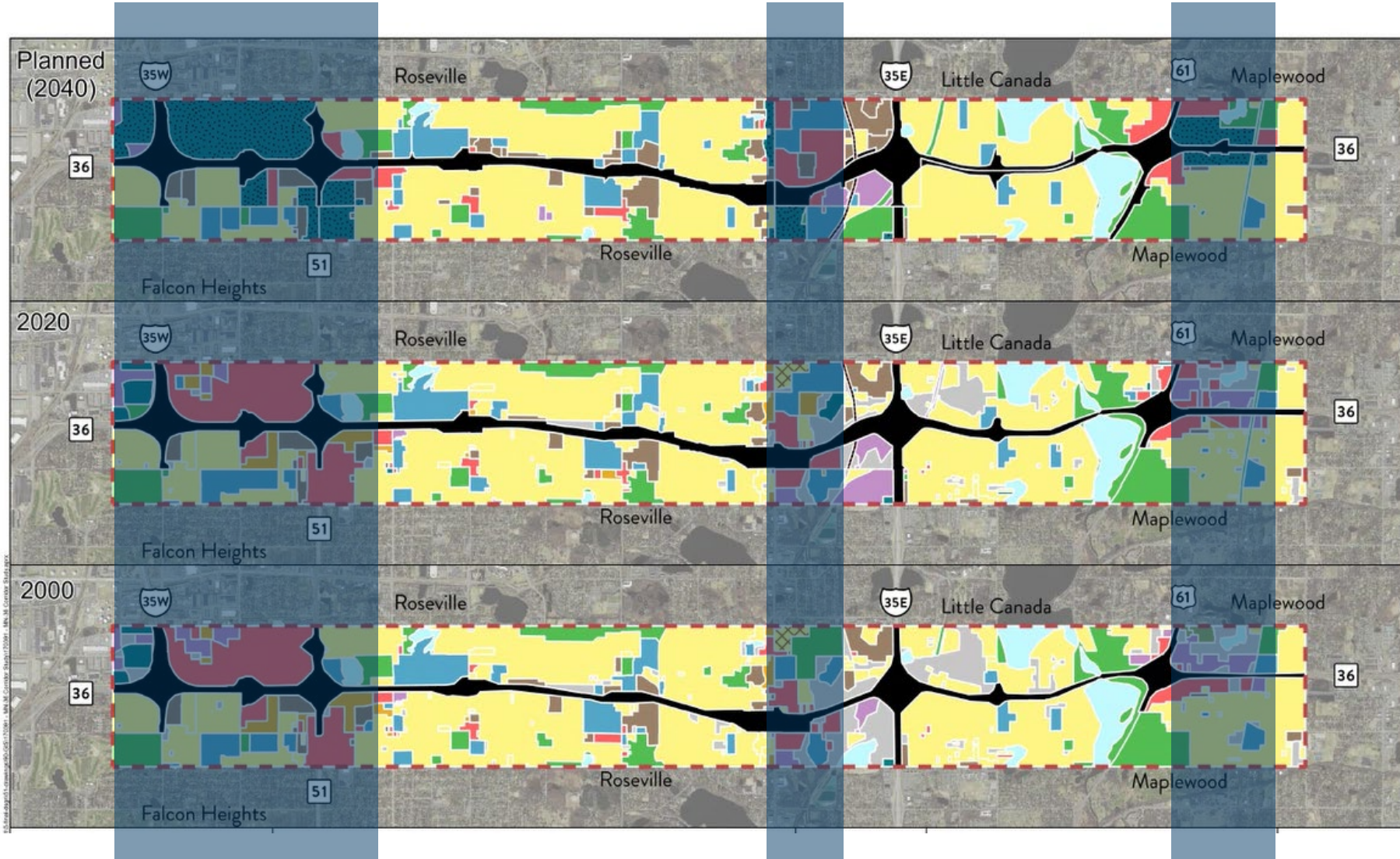


Why this Study?

Planned
2040

2020

2000





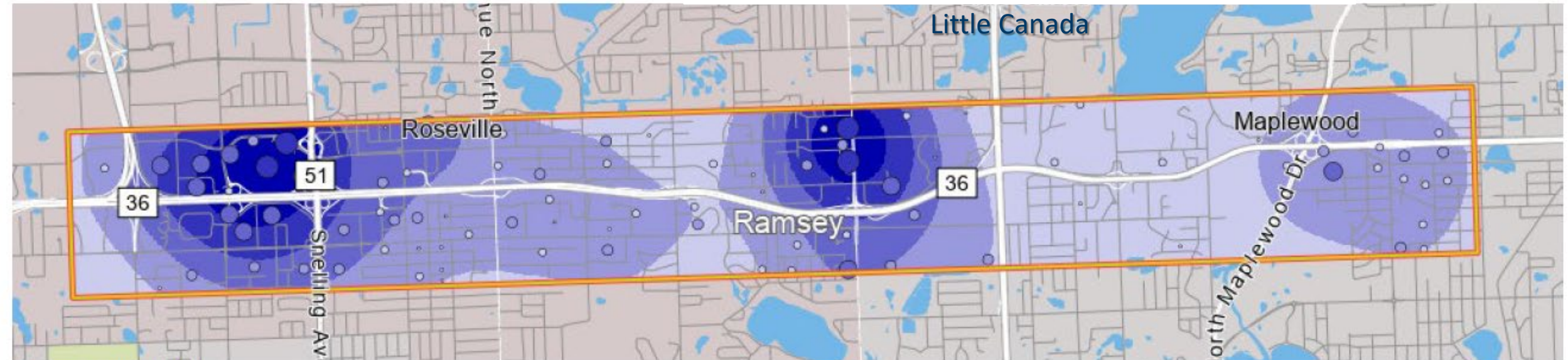
City of Roseville Comprehensive Plan 2040

Transportation Goals Related to MN 36

- MN 36, Snelling Ave, Rice St, and Lexington Ave have existing and forecasted congestion. Strategic improvements should be pursued.
- Paths/sidewalks proposed: Snelling Ave crossing MN 36; new crossing of MN 36 west of Snelling Ave; (connecting Rosedale Mall to neighborhood south of MN 36); Dale St crossing MN 36.
- Freight access important throughout MN 36 corridor.
- Extend Metro Transit A Line north of Rosedale Mall

Job density

Figure 4.1-5: Jobs paying under \$1,250/month



Source: OnTheMap



Why this Study?



Multimodal

- Look at needs of all transportation users
- Create a more interconnected system



Upcoming Improvements

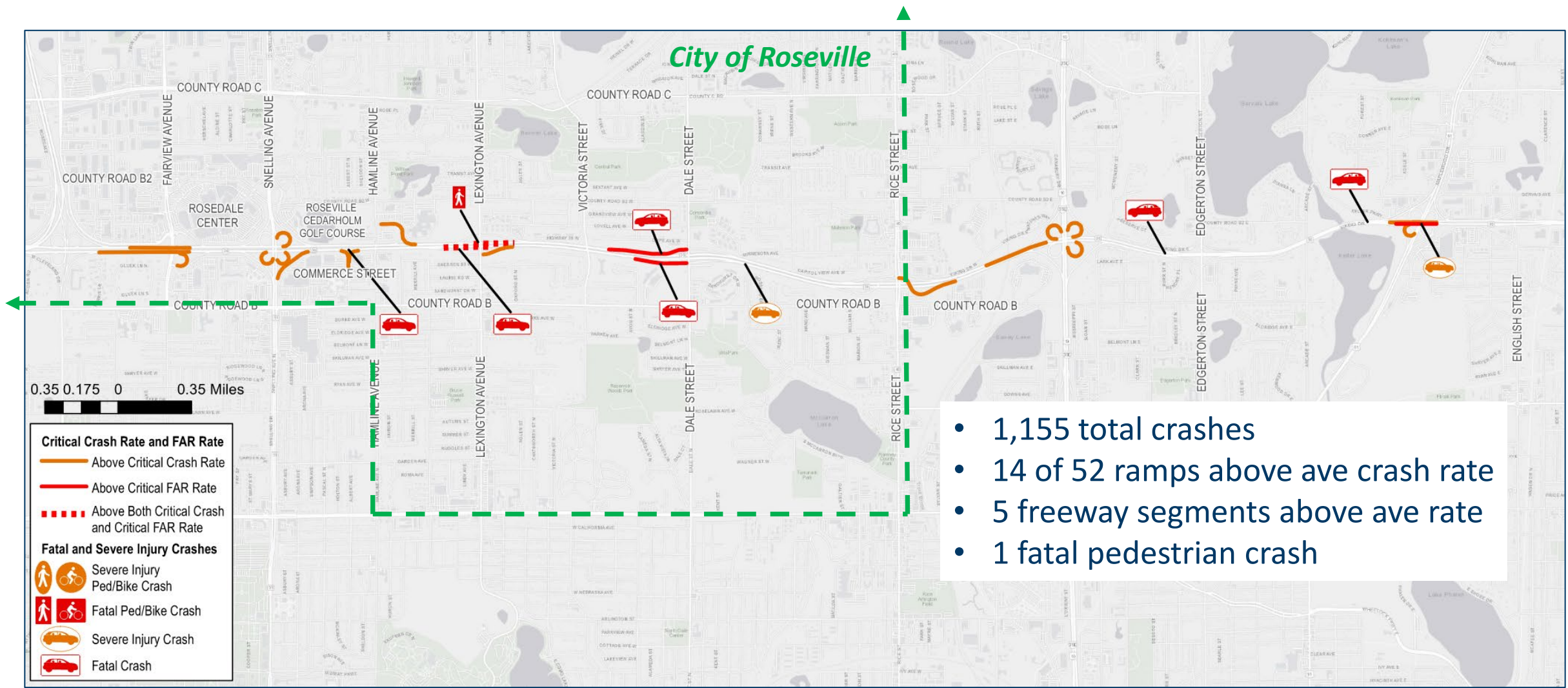
- Snelling, Fairview bridges
- E-ZPASS
- Resurfacing/maintenance
- I-35W Gateway Study



Equity

- Better access for underrepresented communities
- Integrate equity throughout planning
- Support public and community health

Safety: 2018-2022



- 1,155 total crashes
- 14 of 52 ramps above ave crash rate
- 5 freeway segments above ave rate
- 1 fatal pedestrian crash

Safety: 2018-2022

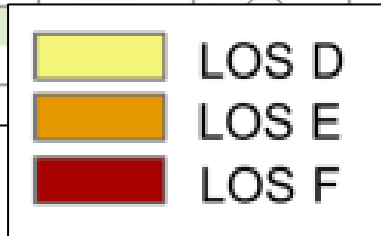




Traffic Levels of Service (LOS) – 2022

DRAFT

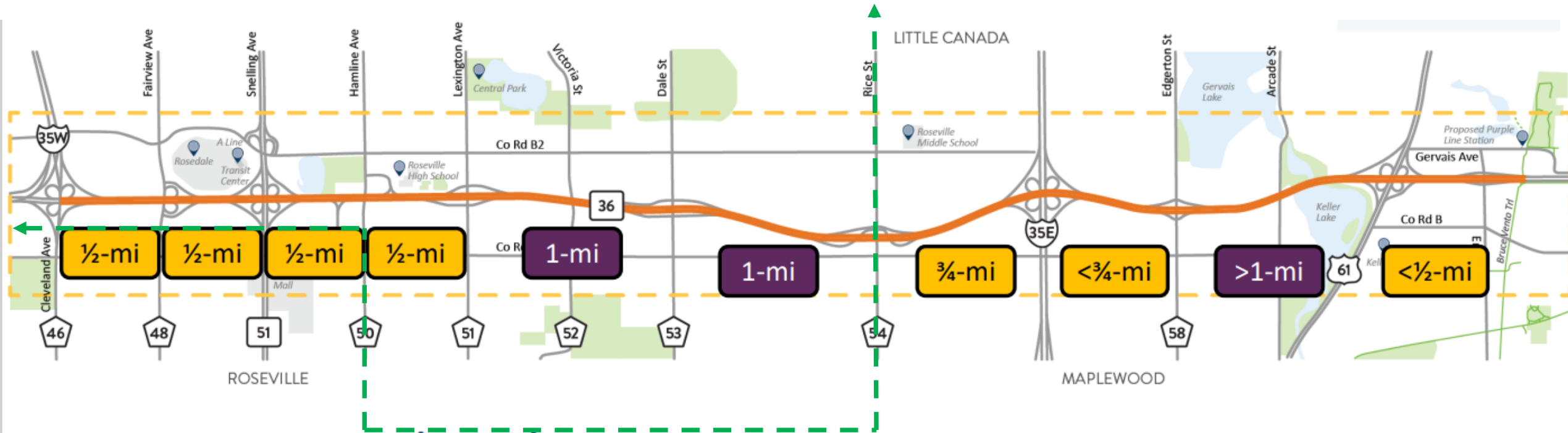
WB AM



EB PM



Interchanges and crossings



Many Closely Spaced interchanges

- Ideal distance is 1 mile between freeway interchanges
- 9 of 17 crossings are “High Risk” for people walking
- Only 4 bike lane crossings in 8-mi study area



Pedestrian Risk: “High Risk” Signalized Intersections in Roseville

Risk Level	Intersection	Bus Stop	Major Median	Speed Limit (35-50 MPH)	Near School	Major Left Turn Signal (Protected)	Approach Volume (25,001 – 35,000)
Medium	Fairview Ave N at Rosedale Center*		X	X		X	
High	Fairview Ave N at MN 36 North Ramp		X	X	X	X	X
High	Fairview Ave N at MN 36 South Ramp		X	X	X	X	
High	Fairview Ave N at Gluek Lane/Frontage Rd		X	X	X	X	
Medium	Snelling Ave N at County Road B2 West Ramp		X	X		X	
Medium	Snelling Ave N at County Road B2 East Ramp*		X	X		X	
High	Snelling Ave N at County Road B		X	X	X	X	X
Medium	Hamline Ave N at County Road B2			X	X	X	
Medium	Hamline Ave N at MN 36 North Ramp			X	X	X	
Medium	Hamline Ave N at Commerce St			X	X	X	
High	Lexington Ave N at MN 36 North Ramp		X	X	X	X	
High	Lexington Ave N at MN 36 South Ramp		X	X	X	X	
Medium	Dale St N at MN 36 North Ramp			X	X	X	
Medium	Dale St N at MN 36 South Ramp			X	X	X	
High	Rice St N at Minnesota Ave	X	X	X	X	X	X
High	Rice St N at MN 36 Ramp		X	X	X	X	X
High	Rice St N at County Road B		X	X	X	X	



Major Trip Generators





Major Trip Generators





Non-motorized Travel Risk Assessment



Fairview North and South:

- Motor Vehicle Right-Turns
- Crossing Yield or Uncontrolled Vehicle Paths
- Stopped Crossing Delay
- Motor Vehicle Left-Turns

Snelling:

- Uncomfortable Walking Env't.
- Crossing Yield or Uncontrolled Vehicle Paths
- Executing Unusual Movements
- Undefined Crossing
- Sight Distance and Visibility
- ADA Accessibility

Albert:

- Motor Vehicle Right-Turns
- Uncomfortable Walking Env't.
- Multilane Crossings
- Undefined Crossing
- Sight Distance and Visibility
- ADA Accessibility

Hamline:

- Motor Vehicle Right-Turns
- Multilane Crossings
- Stopped Crossing Delay
- Motor Vehicle Left-Turns

Lexington:

- Motor Vehicle Right-Turns
- Multilane Crossings
- Stopped Crossing Delay



243,000 Corridor Crossings Per Day*



239,000 vehicle trips/day

Fairview: 10,000

Snelling: 40,000

Hamline: 8,000

Dale: 15,000

Rice: 15,000

Bruce Vento Tr: no cars

Others: N/A



2,600 walking trips/day

Fairview: 500

Snelling: no sidewalks

Hamline: 500

Dale: 300

Rice: 500

Bruce Vento Tr: 200

Others: 600



1,700 bike trips/day

Fairview: 400

Snelling: no bike lanes

Hamline: 200

Dale: 200

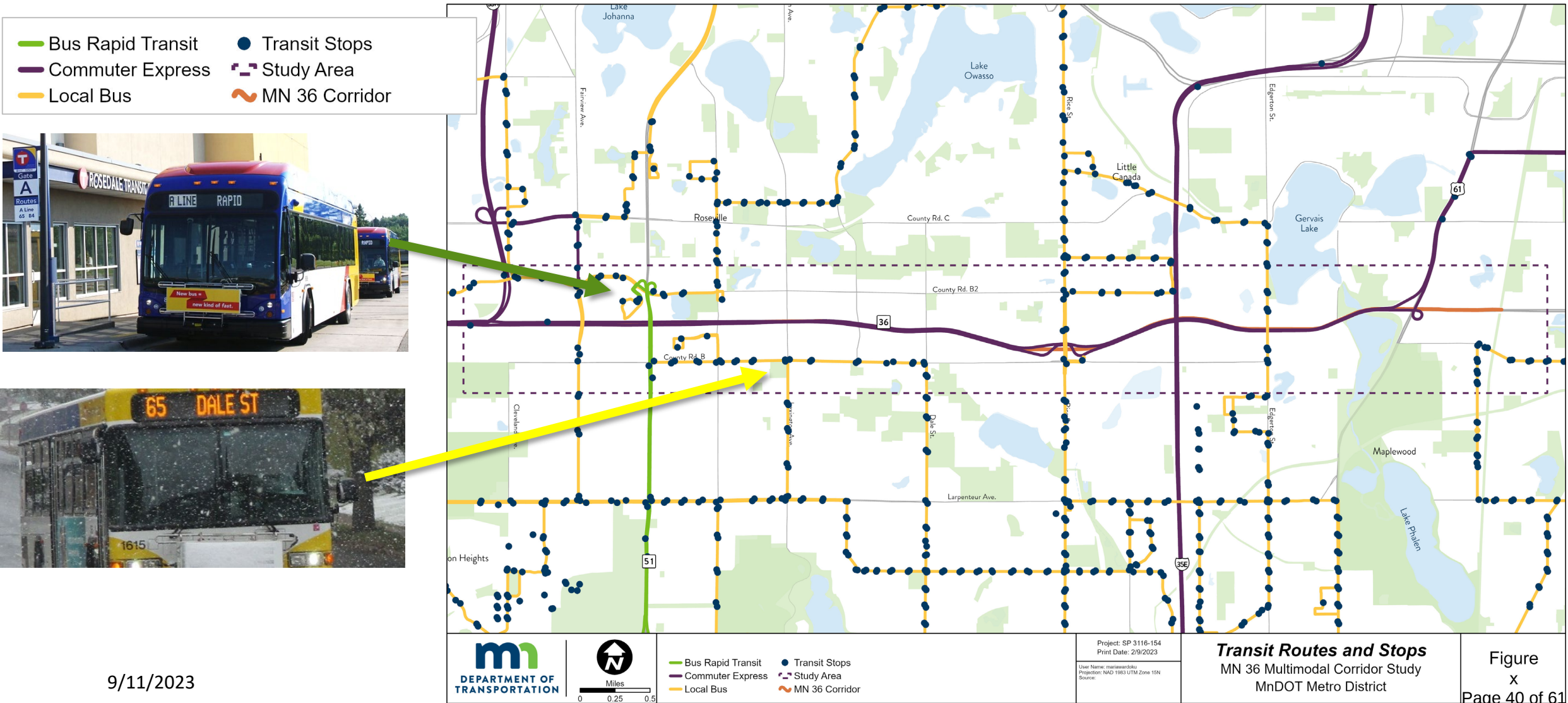
Rice: 200

Bruce Vento Tr: 200

Others: 500



Transit





Stakeholders

Stakeholder Groups

- Agencies
- Elected and Appointed Officials
- MN 36 Businesses (40+)
 - Customer facing
 - Large employers
 - Manufacturers/shipping
- Residences (30)
- Schools (26)
- Public Institutions and Destinations (13)
- Community Based Organizations (20)
- Multi-modal Users



Karen Organization
of Minnesota



Zen Asian Spa



Victoria Place





What we have heard so far

Transit:
important for
immigrant
population
(BCOM and KAM)

Driving:
people
generally feel
safe, but:

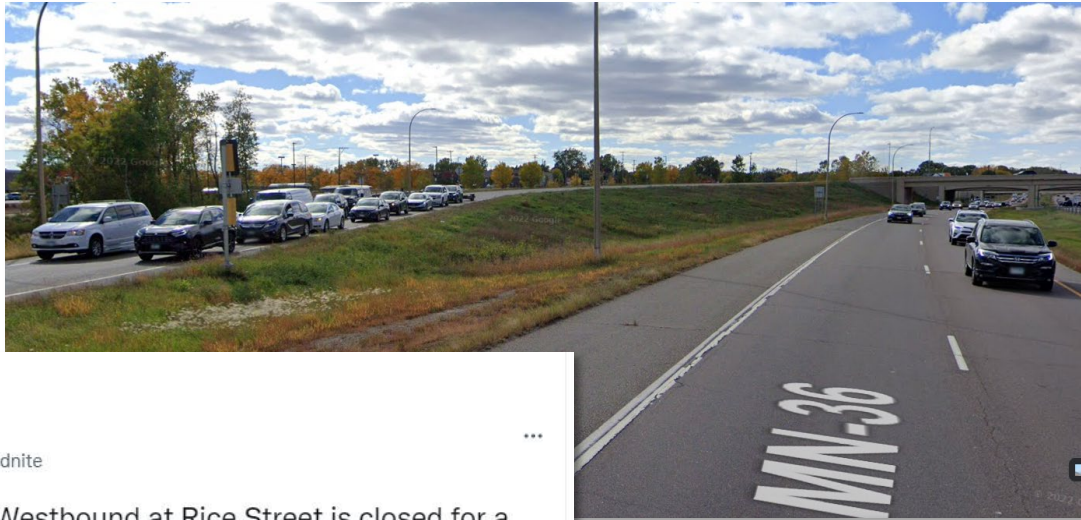
Bike/Walk:
speed and
sightlines at
ramps

- On/off ramps are difficult: merging, speeding
- Speeding on mainline (people want 55 mph enforced)
- Winter conditions, slippery driving (water pooling near Keller Lake)

- Safe pedestrian crossings of Hwy 36 on high traffic streets
- More bike facilities needed
- Grade separated pedestrian and bicycle routes
- Maintenance/litter/cleaning for a safe experience



How does Hwy 36 affect peoples' daily lives?



← Tweet

Chris K
@5Aftermidnite

Highway 36 Westbound at Rice Street is closed for a serious 2 car crash. Looks like it may open soon.

@kstptraffi



0:04 245 views

2:06 AM · Mar 4, 2020 from Joe's Sporting Goods



Tell us your Hwy 36 story

What is your experience traveling along or across Hwy 36?

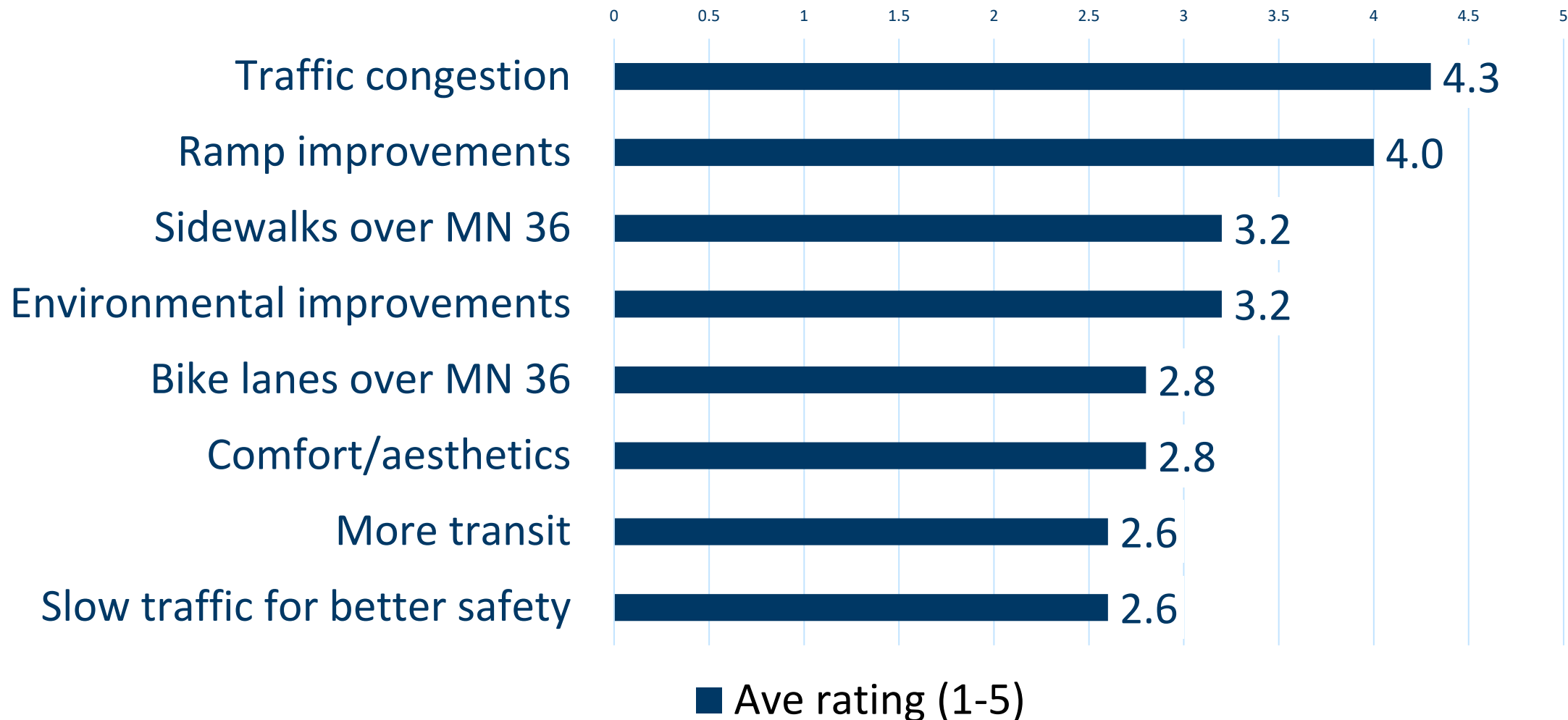
Everyone should have a safe walk/bike to school. -Anna (9th grade)

What is your experience along Hwy 36?

Circle one.



Survey Responses: Needs for Improvements





Peoples' Primary Transportation Needs Identified

- Safety of people traveling in vehicles
- Safety and mobility of people walking and biking
- Mobility of people traveling in vehicles



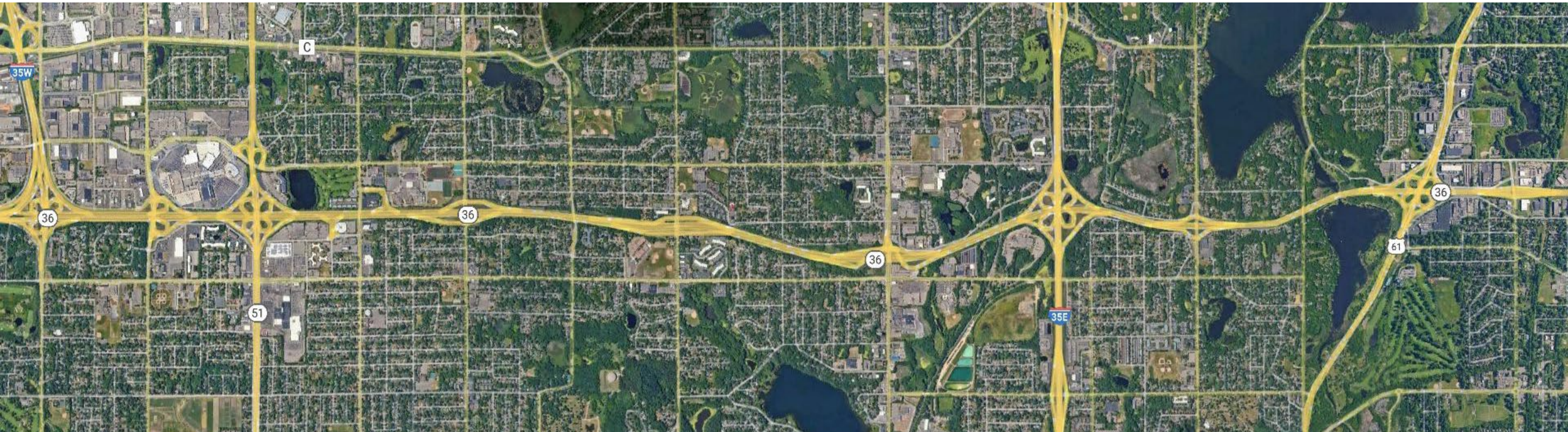
Engagement and Next Steps

- 2 Public Meetings – ~100 attendees
- Survey – 1,539 people responded; 3,000+ comments
- Meetings with city councils: May thru Sept
- Ramsey County staff: monthly
- Preliminary Alternatives: Fall 2023
- Final Alternatives: Spring 2024



Discussion

- What plans or priorities have we missed?
- What do residents say about how Hwy 36 affects their lives?
- What does city staff tell you about Hwy 36?
- Who else should we be talking to?



David.Elvin@state.mn.us



Sept 18, 2023

REQUEST FOR COUNCIL ACTION

Date: 9/18/2023
Item No.: 8.a.

Department Approval

City Manager Approval



Item Description: City Council Direction on Councilmember Strahan Initiated Agenda Item - School Resource Officers

Background

Under Rule 9 of the Roseville City Council and Commission Rules of Procedure, when a Councilmember requests that an item be placed on a future City Council Agenda, that item is placed on the next meeting agenda for the City Council to provide direction as to whether, how, and when the item will be taken up at a future meeting.

At the September 11 meeting, Councilmember Strahan requested a discussion regarding the placement of Roseville Police Department Student Resource Officers (SROs) in Roseville Area Schools be placed on a future City Council agenda.

For the discussion, the following information is included:

- Attachment 1 - Attorney General Opinion dated August 23, 2023 regarding student discipline laws
- Attachment 2 - League of Minnesota Cities Insurance Trust guidance dated August 28, 2023
- Attachment 3 - League of Minnesota Cities statement regarding insurance coverage dated September 7, 2023

Policy Objectives

Not applicable at this time.

Racial Equity Impact Summary

Not applicable at this time.

Budget Implications

Not applicable at this time.

Staff Recommendations

Discuss the item brought forward by Councilmember Strahan and provide direction to staff

Requested Council Action

Discuss the item brought forward by Councilmember Strahan and provide direction to staff

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

Attachments:

1. Attorney General Opinion dated August 22, 2023
2. LMCIT guidance dated August 28, 2023
3. LMC statement on SRO coverage dated September 7, 2023

SCHOOL PUPILS: DISCIPLINE: Laws of Minnesota 2023 ch. 55, art. 2, § 36 and art. 12, § 4 do not limit the types of reasonable force that may be used by school staff and school resource officers to prevent bodily harm or death. Minn. Stat. §§ 121A.58; 121A.582.



The Office of
Minnesota Attorney General Keith Ellison
 helping people afford their lives and live with dignity and respect • www.ag.state.mn.us

August 22, 2023

Willie L. Jett, II
 Commissioner
 Minnesota Department of Education
 400 NE Stinson Boulevard
 Minneapolis, Minnesota 55413

Re: Recent Amendments to Student Discipline Laws

Dear Commissioner Jett:

Thank you for your letter of August 18, 2023, which seeks clarity regarding recent amendments to student discipline laws, Minnesota Statutes sections 121A.58 and 121A.582. *See* Act of May 24, 2023, ch. 55, Art. 2, § 36; Art. 12, § 4 (hereinafter, the Amendment). Pursuant to Minnesota Statutes section 8.07, I issue this opinion to offer binding guidance on the issue you have raised.

BACKGROUND

Relevant to your inquiry, the Amendment revises Minnesota Statutes section 121A.58 to include a definition of “prone restraint” and to specify that school employees and agents generally:¹ (1) “shall not use prone restraint” on pupils; and (2) “shall not inflict any form of physical holding that restricts or impairs a pupil’s ability to breathe; restricts or impairs a pupil’s ability to communicate distress; places pressure or weight on a pupil’s head, throat, neck, chest, lungs, sternum, diaphragm, back or abdomen; or results in straddling a pupil’s torso” (i.e., compressive restraint techniques). *Id.* at Art. 2, § 36.

The Amendment also revises Minnesota Statutes section 121A.582 to provide that: (1) teachers and principals may use reasonable force “to correct or restrain a student to prevent imminent bodily harm or death to the student or another”; and (2) other school employees, agents,

¹ Neither the relevant statutes nor the Amendment defines “agents” of the school district. In the absence of a definition provided by the Legislature, Minnesota courts would likely apply “its ordinary legal meaning, which is one who has the authority to act on another’s behalf.” *Hogan v. Brass*, 957 N.W.2d 106, 109 (Minn. Ct. App. 2021) (using that definition of “agent” to interpret chapter 317 of Minnesota law). Whether an individual has authority to act on behalf of the school district depends on facts specific to each circumstance.

Commissioner Willie L. Jett, II
 August 22, 2023
 Page 2

and bus drivers may use reasonable force “to restrain a student to prevent bodily harm or death to the student or another.” *Id.* at Art. 12, § 4.

QUESTION PRESENTED

You have expressed uncertainty regarding whether the Amendment categorically prohibits prone restraint and compressive restraint techniques in all scenarios. In particular, you ask: “whether the new language in Minnesota Statutes, section 121A.58, subdivision 3 and its reference to Minnesota Statutes, section 121A.582, acts as an exception to the general prohibition on prone restraints and other types of physical holds, thereby allowing the use of these practices when doing so would ‘prevent imminent bodily harm or death to the student or to another.’”

SUMMARY OF CONCLUSION

The Amendment does not limit the types of reasonable force that may be used by school staff and agents to prevent bodily harm or death.² The test for reasonable force remains unchanged, and is highly fact-specific.

ANALYSIS

Three things support this conclusion. First, the Amendment adds a new sentence to Minnesota Statutes section 121A.58, subdivision 3: “Nothing in this section or section 125A.0941 precludes the use of reasonable force under section 125A.582.” *Id.* at Art. 2, § 36.³ By this language, the Legislature expressed its clear intent to not limit the use of reasonable force when faced with the threat of bodily harm or death. *See, e.g., Houck v. Houck*, 979 N.W.2d 907, 911 (Minn. Ct. App. 2022) (interpreting a “nothing in this section” provision as unambiguous and “susceptible to only one reasonable interpretation”).

Second, Minnesota Statutes section 121A.582 states that: “Any right or defense under this section is supplementary to those specified in section 121A.58[.]” Minn. Stat. § 121A.582, subd. 4. This further evinces the Legislature’s view that the use of reasonable force authorized in Minnesota Statutes section 121A.582 is separate and distinct from the conduct prohibited by Minnesota Statutes section 121A.58. *See, e.g., Christensen v. State Dep’t of Conservation, Game and Fish*, 175 N.W.2d 433, 434 (Minn. 1970) (noting that provisions of an act that are supplementary to each other are construed together so as not to defeat rights); *Merriam Webster’s Collegiate Dictionary* (11th ed.) (defining “supplementary” to mean “additional”).

² Teachers and principals may use these restraints only when a threat of bodily harm or death is *imminent*. *See* Act of May 24, 2023, ch. 55, Art. 2, § 36. However, the word “imminent” is not included in subdivision 1(b), which relates to a broader set of individuals, including school employees, bus drivers, and other “agent(s) of the district.”

³ Minnesota Statutes sections 125A.0941-.0942 restrict the actions that may be taken toward students with disabilities. It explicitly allows the use of reasonable force under section 121A.582. Minn. Stat. § 125A.0942, subd. 6(b).

Commissioner Willie L. Jett, II
 August 22, 2023
 Page 3

Third, and relatedly, even without those clear indications of intent from the Legislature, the usual canons of statutory construction support the same result. Section 121A.582 specifically governs responses to threats of violence, and therefore controls over the more general statute about acceptable punishments. *See* Minn. Stat. § 645.26, subd. 1 (stating that when a conflict exists between two statutory provisions, the specific provision “shall prevail and shall be construed as an exception to the general provision”); *accord Connexus Energy v. Commissioner of Revenue*, 868 N.W.2d 234, 242 (Minn. 2015). Furthermore, had the Legislature intended to exclude prone restraint and compressive restraint techniques from the reasonable force permitted under Minnesota Statutes section 121A.582, it would have clearly said so. *See In re E.M.B.*, 987 N.W.2d 597, 601 (Minn. Ct. App. 2023) (reiterating that courts cannot add words or meaning to a statute that the Legislature intentionally or inadvertently omitted).

Accordingly, the Legislature did not change the types of reasonable force that school staff and agents are authorized to use in responding to a situation involving a threat of bodily harm or death. Of course, what force is “reasonable” is not defined in law and is determined on a case-by-case basis. *See Moses v. Minneapolis Pub. Schs.*, No. C4-98-1073, 1998 WL 846546, at *3 (Minn. Ct. App. Dec. 8, 1998) (“[T]he question of whether the school employees’ acts were a reasonable use of force is a fact issue to be answered by the jury.”); *cf. Bond by and through Bond v. Indep. Sch. Dist. #191*, No. A21-0688, 2022 WL 92661, at *5 (Minn. Ct. App. Jan. 10, 2022) (declining to apply official immunity where school dean used force explicitly defined as prohibited in school restraint training). In addition, the level of threat posed by a particular student or situation can change rapidly, and any assessment of what use of force was reasonable must take that into account.

In a recent meeting with representatives of your staff, the Minnesota Chiefs of Police Association, the League of Minnesota Cities, and the Minnesota Police and Peace Officers Association, participants raised other important questions about the standards applicable to school resource officers or other contracted peace officers at school events. Those questions are beyond the scope of your August 18 request and more appropriately directed at the Legislature.

Sincerely,



KEITH ELLISON
 Attorney General

Cc: Jeff Potts, Executive Director
 Minnesota Chiefs of Police Association
 Imran Ali, counsel for MPPOA
 Patricia Beety, General Counsel
 League of Minnesota Cities



Special Update

Subject: Statutory changes regarding use of force by school resource officers and other officers working in school settings.

Principal Issues: Use of force by SROs and other officers who are agents of a school district; limitations on circumstances allowing the use of force toward students; use of prone and compressive restraint toward students.

Date Issued: August 28, 2023

Prepared By: League of Minnesota Cities Insurance Trust

different conclusions than the Special Update.¹ Under Minnesota law, opinions of the Attorney General “upon any question arising under the laws relating to public schools... shall be decisive until the question involved shall be decided otherwise by a court of competent jurisdiction.”² The Attorney General’s Opinion has the force of law until a court declares otherwise.³ Accordingly, the August 9 PATROL Special Update is withdrawn. It is replaced with this one, which considers the effects of both the Attorney General’s opinion and the statutory amendments that the opinion did not address.

Executive summary:

As a result of recent changes to Minnesota law, and an interpretation of these changes by the Minnesota Attorney General:

- School Resource Officers (SROs) and officers contracted to work in a school district (contracted officers) may only use reasonable force toward a student when necessary to prevent bodily harm or death to the student or another.
- SROs and contracted officers are legally permitted to use prone and compressive restraint toward a student, but only when necessary to prevent bodily harm or death to the student or another.

Introduction:

Minnesota Statutes chapter 121A governs student rights, responsibilities, and behavior. In 2023, lawmakers included two provisions in the education bill that amended this chapter to limit the use of force toward students by SROs and contracted officers. PATROL published a Special Update discussing the amendments and their effects on August 9, 2023. On August 22, the Minnesota Attorney General issued an opinion covering some of these same topics and arriving at

Who is covered by these new limitations?

The new limitations on the use of force apply to, among others, agents of a school district. The recent changes to section 121A.58 clarify that the term “agent” includes SROs, security personnel, and officers who are “contracted with a district.”

A prudent interpretation of these amendments is that sections 121A.58 and 121A.582 now apply to all peace officers who work as SROs, to those who work under the somewhat related title of school liaison officer, and likely to those who provide police or security services within the school environment under a contract with a school district. Arguably, section 121A.58, subdivision 2a could be read as applying only to

¹ *Laws of Minnesota 2023 ch. 55, art. 2, § 36 and art. 12, § 4 do not limit the types of reasonable force that may be used by school staff and school resource officers to prevent bodily harm or death.* Minn. Stat. §§ 121A.58; 121A.582. Op. Att’y Gen. (August 22, 2022) (hereinafter, “AGO Opinion”), https://www.ag.state.mn.us/Office/Communications/2023/docs/Opinion_SchoolDiscipline.pdf.

² Minn. Stat. § 8.07 (2022); see also *City of Brainerd v. Brainerd Invs. P’ship*, 812 N.W.2d 885, 891 (Minn. Ct. App. 2012), *aff’d sub nom. City of Brainerd v. Brainerd Invs. P’ship*, 827 N.W.2d 752 (Minn. 2013) (“For example, Minn. Stat. § 8.07 (2010) grants attorney general’s opinions the force of law regarding the regulation of certain school matters.”).

³ *Id.*

SROs and contracted officers who would, because of contract language or other factors, meet the legal test for being “agents” of a school district.⁴ But subdivision 2a is written in a way that appears to categorize all SROs and contracted officers as “agents” of a school district—the subdivision governs those who are an “employee or agent of a district, *including* a school resource officer, security personnel, or police officer contracted with a district . . .” (emphasis added.) The word “including,” according to the Minnesota Supreme Court, means “to contain as part of the whole.”⁵ “Consequently, the word is used to suggest that what follows is a partial and not exhaustive list of the content to which it refers.”⁶ Read thusly, SROs, security personnel, and contracted officers are among the class of “agents” to whom the statutory amendments apply. This reading also avoids an unreasonable result. The purpose of these amendments could be virtually nullified if municipalities were able to place SROs beyond the statutory limitations on using force by merely avoiding contract language or circumstances indicating an agency relationship between SROs and school districts.

For law enforcement personnel, this means that officers with different assignments will face different standards for the use of force during interactions with students. SROs are likely to know they are SROs and thus governed by the statutory changes. But what does it mean to be “contracted” with a school district and therefore to be considered an agent? If a school district has contracted with a law enforcement agency or with individual officers to provide extra patrol, general security, or to be on hand for specific events, these officers would likely come under the new restrictions on the use of force.

Next, agencies should have their legal advisors review any agreements with school districts promptly. It is important to clarify that your agency is contracting to provide services through the presence of SROs or other officers on campus, not that your agency is agreeing more generally to

have all officers work cooperatively with the school district. Care should be taken to ensure that contracts cannot be construed as making all officers agents of the school district.

Finally, it does not appear that these new limitations apply to SROs and officers working in private (nonpublic) schools. This is because sections 121A.58 and 121A.582 apply to “agent[s] of a district,” which means a “school district.”⁷ That said, there may be situations where it is not immediately clear if a school is private or part of a district. Consult your agency’s legal advisor if there is any doubt about whether these new limitations apply in a particular school setting.

Occasions for using force:

Section 121A.582, subdivision 1(b) regulates the use of force toward students by school employees and agents of a school district. Before the recent amendments, this law permitted the use of reasonable force to “restrain a student or to prevent bodily harm or death to another.”⁸ Notably, the word “or” has been stricken from the operative language. The effect of this change is significant. Following the amendments, subdivision 1(b) permits school employees and agents to use reasonable force only “when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or to another.”⁹

⁴ See *Hogan v. Brass*, 957 N.W.2d 106, 109 (Minn. Ct. App. 2021) (The ordinary legal meaning of “agent” is “one who has the authority to act on another’s behalf.”).

⁵ *In re H.B.*, 986 N.W.2d 158, 168 (Minn. 2022), *reh’g denied* (Dec. 12, 2022) (internal citation omitted).

⁶ *Id.*

⁷ 2023 Minn. Laws Ch. 55, Art. 2, sec. 36 (codified at Minn. Stat. § 121A.58); Minn. Stat. §§ 121A.582, 120A.05, subd. 8. Moreover, statutes applicable to nonpublic schools generally refer to them specifically. See, e.g., Minn. Stat. §§ 123B.86 (equal treatment in transporting students); 171.321, subd. 4(d) (qualifications for bus drivers, referring to “a school district, nonpublic school, or private contractor shall”); 120A.22, subd. 7 (compulsory instruction, stating “a district, a charter school, or a nonpublic school that receives services”). The provisions of sections 121A.58 and 121A.582 that bring peace officers within their ambit contain no reference to nonpublic schools.

⁸ 2023 Minn. Laws Chap. 55, Art. 12, sec. 4 (codified at Minn. Stat. § 121A.582, subd. 1(b) (emphasis added)).

⁹ *Id.*

In other words, the authority to use force for the sole purpose of restraining a student has been removed from the law. Going forward, reasonable force may only be used in situations where it is necessary to prevent bodily harm or death to the student or another.¹⁰ Thus, force cannot be used where the only justification is to control the behavior of a student who is damaging property, causing a disturbance, or is acting out in a way that does not pose a threat of death or bodily harm.

As a result of the amendments, SROs and contracted officers are not permitted to use force for the purpose of arresting students for nonthreatening offenses. Section 121A.582, as amended, prohibits these officers from using any type or degree of force to *restrain* students except when necessary to prevent death or bodily harm, regardless of the offense level. This should not, however, stop SROs from taking students into custody when the arrest itself is a necessary act of restraint to prevent bodily harm or death. Unlike teachers and principals, SROs and contracted officers are not limited to only using force in situations where the threat of bodily harm or death is imminent.¹¹ The analysis for SROs in school settings should instead be similar to the one required under Rule 6.01 of the Minnesota Rules of Criminal Procedure, which permits officers to take someone into custody for a witnessed misdemeanor when necessary to prevent bodily harm to the accused or another.¹² As in cases involving Rule 6.01, facts showing that a threat of bodily harm is ongoing should suffice to support an arrest. Officers may draw reasonable inferences about the risks of bodily harm based on the totality

of the circumstances, including people's behavior in the immediate past, their present emotional state, and any other factors indicating that the situation is volatile.¹³

Restricted methods of restraint:

Section 121A.58 prohibits SROs and contracted officers from using prone or compressive restraint techniques toward a student. The Attorney General has issued binding guidance to the effect that section 121A.582 creates an exception to this prohibition for situations where the use of reasonable force is necessary to prevent bodily harm or death.¹⁴ Taking that guidance together with the plain language of section 121A.582 results in straightforward guidelines for SROs and contracted officers when responding to pupils:

- Reasonable force may only be used toward students when necessary to prevent bodily harm or death.
- When reasonable force is authorized, prone and compressive restraint may also be used so long as they are reasonable under the circumstances.

The reverse is also true: when the situation does not involve a threat of death or bodily harm, officers may not use prone restraint, compressive restraint, or any other form of force toward a student.

Given that the authority to use reasonable force, prone restraint, and compressive restraint all arise from circumstances involving a threat of bodily harm or death, it is unclear why the Legislature provided detailed definitions of prone and compressive restraint. At the very least, the existence of these definitions may signal an

¹⁰ The Attorney General did not provide guidance on how the amendments to section 121A.582 apply to SROs and officers contracted to work in schools where the situation does not involve a threat of bodily harm or death. However, the plain language of this law prohibits the use of force except as necessary to prevent death or bodily harm.

¹¹ Compare Minn. Stat. § 121A.582 subd. 1(a), as amended (teachers and principals may use reasonable force “to prevent imminent bodily harm or death. . .”) with *id.* subd. 1(b) (employees and agents may use reasonable force when necessary “to prevent bodily harm or death. . .”). Black’s Law Dictionary (11th ed. 2019) defines “imminent” as “threatening to occur immediately; dangerously impending” and “[a]bout to take place.”

¹² Minn. R. Crim. P. 6.01(a)(1).

¹³ See *State v. Mikkalson*, No. A07-2339, 2008 WL 5215866, at *5 (Minn. Ct. App. Dec. 16, 2008) (holding that arrest for a witnessed misdemeanor to prevent bodily harm was authorized under Rule 6.01 because the “[a]ppellant had just been in a fight and appeared to be injured. It would have been reasonable for the officers to have believed that another fight could ensue after they left, making the arrest necessary to prevent bodily harm. . . .”)

¹⁴ AGO Opinion.

increased sensitivity about the use of these techniques toward students. The statutory definition of prone restraint is likely broader than many officers might imagine from their training in defensive tactics. The statutory definition consists of merely “placing a child in a face-down position”—it does not require holding or maintaining the person in that position.¹⁵ Thus, using a takedown technique that culminates with a pupil’s chest against the ground could constitute prone restraint, even if the officer intends for the subject to be “prone” only momentarily.

“Compressive restraint” is shorthand for other methods of restraint covered by section 121A.58, subd. 2a(b), which provides as follows:

An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not inflict any form of physical holding that restricts or impairs a pupil’s ability to breathe; restricts or impairs a pupil’s ability to communicate distress; places pressure or weight on a pupil’s head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil’s torso.¹⁶

Application scenarios:

1. Officer Josh is an SRO. A student is causing a disturbance in the lunchroom by screaming and throwing food trays on the floor. Because this behavior does not involve a risk of bodily harm or death, Officer Josh may not use force to control the student’s behavior, or use force to arrest the student for the commission of an offense, even if it appears likely that the offense will continue.
2. Officer Londa is an SRO. A student, Lynn, became extremely upset after an argument with a peer and began attacking windows and glass inside the school building with a metal bar. It reasonably appears to Officer Londa

that the act of breaking glass, and the presence of broken glass, is placing Lynn and others in the building at risk of bodily harm. Officer Londa may use reasonable force if necessary to restrain Lynn to prevent bodily harm.

3. Deputy Fran is assigned to regular patrol duties and is dispatched to the high school. The principal complains that a student, Charlotte, got in a conflict with a teacher and is presently in a hallway kicking locker doors and bending them. Deputy Fran is not an SRO or under a contract to work in the school and is therefore not subject to the new restrictions on the use of force. Accordingly, Deputy Fran may use reasonably necessary force to make an arrest or carry out other duties imposed by law when intervening in the situation.
4. Officer Christy is an SRO. A large adolescent student, Henry, is punching a smaller student, Bailey. Officer Christy may lawfully use reasonable force if necessary to restrain Henry to stop him from harming Bailey. Because Officer Christy is authorized to use force, she is permitted to utilize prone or compressive restraint with Henry if reasonably necessary under the circumstances.

Next, assume that once Henry is separated from Bailey, he screams at Bailey that the fight isn’t over, tries to pull away from the officer and go toward Bailey, and continues to display a high level of emotional agitation. Officer Christy would be authorized to take Henry into custody. This is because Officer Christy has witnessed what is at least a misdemeanor-level assault and the circumstances demonstrate that custody is necessary to prevent bodily harm.

5. Deputy Jamie is providing extra security at a football game under a contract with the school district. A 911 caller reports that a person with a gun is threatening others in the parking lot of the school where the game is occurring. Deputy Jamie responds and conducts a high-risk stop of the person who was reported to have a gun, ordering the

¹⁵ 2023 Minn. Laws Ch. 55, Art. 2, sec. 36.

¹⁶ *Id.*

person to lie face-down on the ground. It does not matter if this person is a student or not. This is because the use of prone restraint would likely be deemed reasonably necessary in the situation, as a means of safely gaining control over someone reportedly threatening others with a gun.

for off-duty employment arrangements with school districts, since these may very well result in conclusions that the officers are serving as agents of the district.

6. Student Quinn returned to the school building after being expelled for disciplinary reasons. The principal orders Quinn to leave and not return until the expulsion is over. Quinn refuses to depart. The principal calls SRO Madison and, with Madison present, repeats the order to leave. SRO Madison emphasizes to Quinn that he will be arrested for trespassing unless he leaves at once. Quinn still refuses to depart. Technically, SRO Madison may place Quinn under arrest for trespassing. But legally, SRO Madison is only permitted to use force toward students in situations where it is necessary to prevent bodily harm or death. It follows that Madison may not use force to overcome any non-dangerous resistance to the arrest. Because handcuffing is a form of restraint, Madison may not handcuff Quinn to effect the arrest. In other words, unless Quinn voluntarily complies, Madison would need to call another officer, who is not an SRO, to handle the arrest.

Training and deployment issues:

These new limitations are apt to require some substantial rethinking of how SROs and other officers who would be deemed agents of a school district will intervene in situations involving students. Using force in circumstances that do not present a threat of death or bodily harm is no longer an option. Persuasion and de-escalation skills will be at a premium. Agencies and officers may wish to consult with other professionals, such as special education and mental health personnel, who are trained in nonforceful intervention. Officers may also wish to consult with school staff on how they will work together to manage disruptive but non-dangerous behaviors without force.

Agencies and officers should also consider what kinds of safeguards and training to have in place

**FOR IMMEDIATE RELEASE:**

Sept. 7, 2023

CONTACT:

Julie Liew

(651) 215-4006

jliew@lmc.org

A statement from League of Minnesota Cities Insurance Trust Administrator Dan Greensweig regarding coverage for school resource officers

ST. PAUL, Minn. – “I was recently made aware of misinformation that has been circulating within the legislative arena regarding the League of Minnesota Cities (LMC) and the League of Minnesota Cities Insurance Trust’s (LMCIT) position on and involvement in last session’s legislation affecting school resource officers (SROs). The misinformation alleges LMCIT is threatening to withdraw coverage of SROs and that LMC failed to bring forward concerns while the bill was advancing through the legislative process.

“LMCIT has not at any time suggested that coverage for SROs will be withdrawn or limited and LMCIT has no intention of doing so. We issued risk management guidance to our members based on our staff attorneys’ interpretation of the law as written. The guidance was later revised following the issuance of an opinion by Attorney General Keith Ellison.

“The guidance was intended to provide information so our members can make decisions at the local level that best meet their community’s needs. Our goal is to support our members in local policy decisions.

“It’s unfortunate the SRO provision did not make stops in local government or public safety committees during the legislative session. It was folded into an education omnibus bill and the proponents did not engage with the League or relevant public safety stakeholders on the measure. As a result, we were unaware of it until after its passage. Had local government and public safety stakeholders been consulted, we would have offered clarifying recommendations at that time.”

###

FUTURE MEETING AGENDA HIGHLIGHTS

September 18, 2023

September 25, 2023 City Council Meeting

- Approve Preliminary Budget and Levy (with Class and Compensation Study Financial Information)

October 9, 2023 City Council Meeting

- Liquor Compliance Failures
- Tobacco Compliance Failures
- Classification and Compensation Study Update

October 16, 2023 City Council Meeting (Work session)

- Joint Meeting with Planning Commission
- Envision Roseville Update
- Discuss Rosefest
- Discuss Capital Upgrades to Rosebrook Park

October 23, 2023 City Council Meeting

- Discussion regarding short-term rentals
- Consider Ordinance Amendments regarding Sacred Settlements
- Consider Ordinance Amendment and Policy for Reasonable Accommodation
- Authorize Final Plans and Specs – Wagner Path
- Authorize Final Plans and Specs – Tamarack Path
- Award Bid – Twin Lakes Pathway Project Phase II
- Approve Classification and Compensation Plan

Future Agenda Review - Longer Term Initiatives
(items that likely require council discussion/action)

9/14/2023

<u>Item</u>	<u>Initiated By</u>	<u>Target Date</u>	<u>Status/Notes</u>
Review classification & compensation study & recomm's	Staff/Council	9-Oct-23	implementation strategies discussion to follow
Envision Roseville final report & RFP for strategic plng	Staff/Council	16-Oct-23	(City Manager goal item)
Short term rental code updates	Council	23-Oct-23	(Issuance of new licenses suspended pending update)
Rooster Regulations	Council	Fall ' 23	Staff will review for changes in code
Commission scope/duties/functions implementation	Etten/Council	Fall '23	
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>			
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)