



Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, February 26, 2024

1. Roll Call

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

2. Pledge of Allegiance

3. Approve Agenda

Schroeder moved, Groff seconded, approval of the agenda as presented.

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None.

4. Public Comment

Mayor Roe called for public comment by members of the audience on any non-agenda items. No one came forward to speak.

5. Recognitions, Donations, and Communications

a. Proclaim Women's History Month

Mayor Roe read the Women's History Month Proclamation.

Etten moved, Groff seconded, proclaiming March Women's History Month.

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None.

6. Items Removed from Consent Agenda

7. Business Items

a. Presentation by Northeast Youth and Family Services

Mayor Roe briefly highlighted this item as detailed in the Request for Council Action and related attachments dated February 26, 2024.

Executive Director Angela Lewis-Dmello of Northeast Youth and Family Services (NYFS) made a presentation to the City Council.

Mayor Roe thanked Ms. Lewis-Dmello for the update, stating this was a great organization with a vision for the future.

Councilmember Groff noted the difference this organization makes in people's lives is amazing.

b. Consider Ordinance Amending Chapter 407 of Roseville City Code, Abatement of Public Nuisances

Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated February 26, 2024.

Mayor Roe reviewed the bench handout that was given to the Council before the meeting.

Public Comment

Mayor Roe offered an opportunity for public comment.

Ms. Lisa McCormick, Roseville Resident

Ms. McCormick indicated her concern was on the second page regarding something affecting the right-of-way and doing away with the right of notice. She thought residents should get notice.

Mayor Roe suggested this had been taken care of by striking out the language on line 51.

Etten moved, Schroeder seconded, enactment of Ordinance No. 1659 entitled, "An Ordinance Amending Title 4 Chapter 407 of the Roseville City Code to Permit Abatements in the Public Right-of-Way and Clarify the Assessment Process"

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

Groff moved, Schroeder seconded, authorization to publish Ordinance Summary No. 1660 entitled, "Approving Publication of an Ordinance Summary of the Amendment to Title 4, Chapter 407 of the Roseville City Code in Order to Permit Abatements in the Public Right-of-Way and Clarify the Assessment Process."

Roll Call (2/3 Majority Required)

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

c. Consider Ordinance Amending Chapter 707 of Roseville City Code, Right-of-Way Restorations

Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated February 26, 2024.

Councilmember Schroeder indicated on line 186, it speaks about all outstanding orders having to be closed before staff would give another permit. She wondered, if there would be reasons beyond their control, supply chain, or weather or something else comes up where an order cannot be closed, yet there is another project coming forward, would there be flexibility to give some grace for that.

Mr. Freihammer indicated staff currently works with all utility contractors and vendors. This would be for cases where the City gives the vendor ample time to do things, such as relocating utilities. This will help to give some encouragement to get the vendor out of the way because a lot of times, the vendor is holding up another public project or costing the City more money. He explained this would be used as a last resort.

Mayor Roe reviewed the bench handout of changes that was distributed before the Council meeting.

Public Comment

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

Etten moved, Groff seconded, enactment of Ordinance No. 1661 entitled, "An Ordinance Amending Title 7, Chapter 707 of the Roseville City Code to Clarify Permit and Restoration Requirements for Work Done in the Right-of-Way."

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

Schroeder moved, Etten seconded, authorization to publish Ordinance Summary No. 1662 entitled, "Approving Publication of an Ordinance Summary of the Amendment to Title 7, Chapter 707 of the Roseville City Code in Order to Clarify Permit and Restoration Requirements for Work Done in the Right-of-Way."

Roll Call (2/3 Majority Required)

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

d. Consider Ordinance Amending Chapter 801 of Roseville City Code, Water Meters

Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated February 26, 2024.

Mayor Roe indicated the title of the Ordinance title still shows “Require Water Meter Security Deposit” and he wondered if it should read “Require Water Meter Fee”.

Mr. Freihammer agreed it should probably be changed. He noted at the next Council meeting, staff will bring forward a fee schedule update to reflect the change from security deposit to a fee.

Mr. Trudgeon noted, regarding the water meter deposit, the staff report mentions that the deposits will be returned over a period of forty to fifty years as people sell their home. After conversations with a couple of Councilmembers, there is interest in returning the water meter deposits to the homeowners on a more accelerated schedule. He noted as a reminder, most of the City’s funds are tied up in non-liquid assets so it will take some time to return all of the deposits. He suggested staff bring forward a plan to look at proactively refunding these amounts over a period of years. However, nothing needs to be done in regard to that because it is not written in the Code to be paid back in a certain way.

Mayor Roe thanked Mr. Trudgeon for bringing that up because it could be on the public’s mind that if the City does not need the deposits and still have some of the residents’ money, why it is not being refunded to them.

Councilmember Groff asked how it is handled if a meter breaks.

Mr. Freihammer explained if it breaks due to the resident, the City Code stipulates the homeowner will pay for the new meter and if the meter were to just stop working, the City would replace the meter at the City’s cost.

Public Comment

Mayor Roe offered an opportunity for public comment.

Mr. Roger Hess, Wagener Place

Mr. Hess asked what costs is the City trying to recover with the new fee. He also asked how many meters disappear each year where a security deposit was added. He agreed the money should be refunded as soon as possible but he was not sure if the Council should postpone the vote on this because when the email was sent out about the proposed ordinance, the page in the packet was completely opposite of what is being proposed tonight. He was not sure if the information should be revised and notification resent so people know what is being voted on tonight because a lot of people might have looked at the proposed ordinance page and thought it was okay but had not looked at the packet page, which is correct.

Mayor Roe believed it was alluded to that the fee would relate to the cost of a new meter and installation.

Mr. Freihammer indicated that was correct. The proposed change to the fee schedule at a future Council meeting will just be changing the word 'deposit' to the word 'fee'.

Mayor Roe did not believe that currently there was a significant issue with meter loss and that this was put in place when the City originally went to providing City water.

Mr. Freihammer indicated that was correct.

Mayor Roe asked the City Attorney if the Council has the ability to act on the proposed ordinance amendment tonight despite the flaw in the notice provided.

City Attorney Tierney indicated she will leave that up to the Council. She thought the Council could act on it as the text of the ordinance was accurate and published accordingly.

Mr. Trudgeon indicated the City Council received the correct information in their packets but what was posted online previously was incorrect. The words "fee" and "deposit" were switched. He noted the City Council could postpone this, staff can post the correct information for the public, and bring this back for consideration.

Councilmember Schroeder indicated she would be more comfortable tabling this to post the correct information for the public to see.

Mayor Roe clarified again from a legal point of view, even if the notice had errors in it, does that preclude cities from adopting ordinances.

City Attorney Tierney indicated it does not.

Mayor Roe indicated the Council could act, but it is up to the comfort level of the Council.

The Council direction was that this item should be reposted for the public and then brought back for consideration.

e. Consider Ordinance Amending Chapter 801 of Roseville City Code, Private Water Supplies

Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated February 26, 2024.

Councilmember Schroeder stated she knew that when a well is located deep on the property, it can be quite expensive to hook up to City water and some cities grandfather a well use if it is a certain distance from a hookup. Her concern is that it could be very expensive for a property owner to have to connect to city water and wondered if the City wanted to consider the distance as a possible reason for grandfathering in.

Councilmember Groff raised the point that the sewer fees would be easier to establish correctly if connected to city water. Also, another concern from the County and State is the possible contamination of groundwater and when people sell their homes, there is the possibility of the wells being contaminated.

Mr. Freihammer indicated that was correct.

Mayor Roe reviewed the bench handout. He noted if a well is already pretty old, he assumed there were costs associated with replacing the well and continuing to use well water, if such an installation would be permitted in the metro area.

Mr. Freihammer explained the majority of the time, and under the current city code, a person would not be allowed to drill a new well. The existing well can be maintained but a new well cannot be drilled.

Public Comment

Mayor Roe offered an opportunity for public comment.

Mr. Brandon Heffron and Mr. Jim Daire

Mr. Heffron stated on the property mentioned by Mr. Freihammer that has the well far back on it is their property. Their concern is basically the cost and because it is cost prohibitive, that is their concern. They love their well water and if they do not have to change it, they would prefer that.

Mr. Daire explained theirs is a newer well because the previous sandpoint well failed and the new well is similar to the diagram shown. He explained the well is about 300 feet back from the street and there are two possible connections with the municipal water supply. However, they were told it would be prohibitively expensive to put in the water. He asked that this property be excluded from having to comply with the proposed ordinance.

Mayor Roe asked how old the new well is.

Mr. Daire indicated a new well was installed a few years after they moved into their home, approximately fifty years ago.

Mr. Heffron indicated he understood that in approximately ten years, a new system will need to be put in place, but they do like the well water and know the responsibilities and costs of maintaining the well. He asked the City to possibly grandfather that well in, in addition to in the future when the well will need replacing.

Councilmember Etten asked how far back from the street is the house set back.

Mr. Daire indicated it was set back around 350 feet from the street and the well is approximately midway between the house and the setback.

Mrs. Karis Heffron

Ms. Heffron explained as the wells fail, people will need to connect to the City sewer so she was not sure why there would be a date needed for connection. She was not sure why the City would need to force that timeframe onto people.

Councilmember Schroeder wondered if there is anything the City can do to help someone with costs associated with hooking up to City sewer.

Councilmember Etten wondered if there was precedent for grandfathering certain wells as has been done in other cities.

Mr. Freihammer thought cost effectiveness could be considered and he remembered that when he worked for Brainerd, there were properties given special consideration and if Roseville wanted to do this, staff could look into setbacks or something like that.

City Attorney Tierney explained if the City wants to consider some sort of exception or grandfathering, she recommends action on this item be laid over in order to take a closer look at this. One of the things she was looking at was the language in the ordinance draft which states "single family resident currently on well water but having municipal water available". Based on the testimony here, it sounds like this property was treated differently even at the time of installation for water so this property may not actually satisfy the requirements of the ordinance and may already be grandfathered in. That is just one of the hypothetical things that should be looked into. She was always concerned about the law of unintended consequences and is less concerned about treating similarly situated property differently because the City will be thoughtful about the language. But if there is a property that is four hundred feet back and one that is three hundred feet back or other obstacles, ideally the Council would have staff take a hard look. She thought staff could bring some language back after research is done.

Councilmember Schroeder suggested this be tabled to allow time for staff to look at other ways to manage this.

Councilmember Groff asked if this well fails, because it is fifty-two years old and in ten years will be sixty-two years old, and because wells do not last forever, what happens when that fails. He asked if it would be grandfathered in forever so the well could be replaced or if the property is sold, could it be left as is.

Mayor Roe thought staff could look at those considerations.

Mr. Freihammer noted one step would be to see about water availability (proximity of an existing City water main) to help establish that threshold.

Councilmember Etten stated it would be nice for staff to come back with some things that could be available. He was generally in favor of putting a timeframe on this because there is enough compelling interest for the majority of properties, and it makes sense to have a timeframe.

Councilmember Schroeder concurred.

Councilmember Groff agreed and would like to have a firm date set with some exceptions.

f. Consider Ordinance Amending Chapter 703 of Roseville City Code, Courtesy Benches

Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated February 26, 2024.

Mayor Roe reviewed the corrections in the bench hand out.

Public Comment

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

Schroeder moved, Etten seconded, enactment of Ordinance No. 1665 entitled, "An Ordinance Amending Title 7, Section 703.05 of the Roseville City Code to Outline Licensing Requirements for Courtesy Benches."

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

Groff moved, Etten seconded, authorization to publish Ordinance Summary No. 1666 entitled, "Approving Publication of an Ordinance Summary of the Amendment to Title 7, Section 703.05 of the Roseville City Code in Order to Outline Licensing Requirements for Courtesy Benches."

Roll Call (2/3 Majority Required)

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

g. Consider Ordinance Amending Chapter 802 of Roseville City Code, Discharge of Fats, Oils and Greases

Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated February 26, 2024.

Public Comment

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

Groff moved, Schroeder seconded, enactment of Ordinance No. 1667 entitled, "An Ordinance Amending Title 8, Section 802.15 of the Roseville City Code to Update and Clarify Requirements Related to the Discharge of Fat, Oils, and Grease."

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

Schroeder moved, Etten seconded, authorization to publish Ordinance Summary No. 1668 entitled, "Approving Publication of an Ordinance Summary of the Amendment to Title 10, Section 802.15 of the Roseville City Code in Order to Update and Clarify Requirements."

Roll Call (2/3 Majority Required)

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None

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 January 29, 2024 City Council Meeting Minutes

Groff moved, Etten seconded, approval of the January 29, 2024 City Council Meeting Minutes as presented.

Roll Call

Ayes: Etten, Groff, and Roe.

Nays: None.

Abstain: Schroeder

b. Approve February 12, 2024 City Council Meeting Minutes and February 21, 2024 Special City Council Meeting Minutes

Schroeder moved, Etten seconded, approval of the February 12, 2024 City Council Meeting Minutes and February 21, 2024 Special City Council Meeting Minutes as presented.

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None.

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 February 26, 2024 and related attachments.

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

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None.

a. Approve Payments

ACH Payments	\$1,770,170.69
108789-108900	1,041,674.64
TOTAL	\$2,811,845.33

b. Approve General Purchases or Sale of Surplus Items Exceeding \$10,000

c. Approve Renewal of Consumption and Display Permit for Hidden Puzzle Rooms LLC dba Hidden MN

d. Award Contract for Operation of a Clean Up Day

e. Approve the Cooperative Construction Agreement with the City of Falcon Heights for the 2024 Sanitary Sewer Lining Project 24-06

f. Approve the Rice Creek Watershed District Programmatic Maintenance Agreement Update

g. Approve Utility Rate Study Contract

h. Authorize Mayor and City Manager to Execute a Professional Services Agreement with the Saint Paul Area Chamber of Commerce and a Cooperative Funding Agreement with the cities of Maplewood and St. Paul Regarding Continued Funding of the Rice & Larpenteur Alliance

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

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City Manager Patrick Trudgeon reviewed the March 4, 2024 EDA and City Council meetings, March 11, 2024 City Council meeting (Work Session) and the March 18, 2024 City Council meeting.

The City Council discussed the upcoming Commission interviews.

12. Adjourn

Schroeder moved, Etten seconded, adjournment of the meeting at approximately 7:45 p.m.

Roll Call

Ayes: Etten, Schroeder, Groff, and Roe.

Nays: None.



Daniel J. Roe, Mayor

ATTEST:



Patrick J. Trudgeon, City Manager