



**Regular City Council Meeting Minutes  
City Hall Council Chambers, 2660 Civic Center Drive  
Monday, January 29, 2018**

**1. Roll Call**

Mayor Roe called the meeting to order at approximately 6:00 p.m. Voting and Seating Order: Laliberte, McGehee, Willmus, Etten, and Roe. City Manager Patrick Trudgeon, Assistant City Manager Rebecca Olson, Public Works Director Mark Culver, City Engineer Jesse Freihammer, City Planner Thomas Paschke, Parks and Recreation Director Lonnie Brokke, and City Attorney Mark Gaughan were also present.

**2. Pledge of Allegiance**

**3. Approve Agenda**

Councilmember McGehee requested removal of Items 9e, 9f, 9g, 9k, and 9o for separate consideration.

Willmus moved, McGehee seconded, approval of the agenda as amended.

**Roll Call**

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

**Nays:** None.

**CLOSED SESSION MEETING**

Mayor Roe read a statement summarizing the intent of the closed session, and announced that, in accordance with Minnesota State Statutes Chapter 13.D.05, and exceptions to Open Meeting Laws, he would entertain a motion to move into Closed Executive Session with the City Attorney and staff to discuss a potential offer to purchase property located at 2719 Lexington Ave.

Etten moved, Willmus seconded, recessing the City Council meeting at approximately 6:05 p.m. and convening in Closed Executive Session, per State Statute.

**Roll Call**

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

**Nays:** None.

**CLOSED EXECUTIVE SESSION**

Mayor Roe convened the City Council in Closed Executive Session at approximately 6:07 p.m.

In addition to the Councilmembers, City Manager Trudgeon, City Attorney Gaughan, City Attorney Hartmann, and Finance Director Chris Miller were also present.

**RECONVENE OPEN SESSION**

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At approximately 6:33 p.m., Etten moved, McGehee seconded adjourning the closed executive session and returning to open session.

**Roll Call**

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

**Nays:** None.

At approximately 6:36 p.m., Mayor Roe reconvened the Open Session.

**4. Public Comment**

**5. Recognitions, Donations, and Communications**

**a. Proclaiming February Black History Month**

Mayor Roe read a proclamation proclaiming the month of February 2018 as Black History Month in Roseville.

Etten moved, McGehee seconded, proclaiming the month of February 2018 as Black History Month in Roseville.

**Roll Call**

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

**Nays:** None.

**b. Optimist Day Proclamation**

Mayor Roe read a proclamation proclaiming the first Thursday in February 2018 as Optimist Day in Roseville.

Laliberte moved, McGehee seconded, proclaiming the first Thursday in February 2018 as Optimist Day in Roseville.

**Roll Call**

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

**Nays:** None.

**6. Items Removed from Consent Agenda**

**e. Consider a Preliminary Plat for Rosedale Retail, LLC for the Creation of an Additional Lot at 1700 County Road B2 (PF17-022)**

City Manager Trudgeon provided a brief overview of the Request for Council Action (RCA) dated January 29, 2018, noting the Planning Commission unanimously suggested approval of the plat, which would allow for the building of a Portillo's restaurant.

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Councilmember McGehee asked about the necessity of the drive-thru aspect of this Portillo's location. She also asked for additional details about the restaurant itself.

In response to the questions, Mr. Trudgeon explained Portillo's has a standard drive-through feature on its locations. He asked if a representative of the applicant could share anything additional.

Will Matzek, Kimley Horn, the engineer on the project, stated this is the third proposed Portillo's restaurant in the Twin Cities area. There are two other restaurants currently; one is in Woodbury and the other location is Maple Grove. He explained that this restaurant is 7,500 square feet. Portillo's is known for hot dogs, Italian beef, and chocolate cake. The proposed drive-through is a significant component of the Portillo's business, and they are considered best-in-class from a drive-through perspective. The sites have attendants that are out on the site taking orders from the drive-through. He added that there is a lot of stacking room for customers in the drive-through as well as sufficient parking for customers eating in.

Councilmember McGehee asked about the location of the Woodbury restaurant.

Wendy Hunter, Hunter Development, responded that the Woodbury location is in an outlot, associated with a sports store.

Willmus moved, Laliberte seconded, approval of the Preliminary Plat of Rosedale Center Sixth Addition for the creation of an additional lot at 1700 County Road B2 (PF17-022), as presented in the staff report and subject to the provision of park dedication in the amount of \$79,596.

### Council Discussion

Members Willmus and Laliberte expressed support for the proposal and the restaurant.

Councilmember McGehee expressed opposition to the proposal, citing traffic problems in the Rosedale area which will only be exacerbated by an additional restaurant in this location. She is particularly opposed to the drive-thru component. She recalled that many constituents do not want more chain fast-food restaurants.

### **Roll Call**

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

**Nays:** McGehee.

**Motion carried.**

- f. **Consider a Request by Hunter Development Group, in Conjunction with Property Owner, JC Penney Properties, Inc., for Approval of a Drive-Through as a CONDITIONAL USE at County Road B2 and Fairview Avenue (PF17-023)**

City Manager Trudgeon provided an overview of the request for the drive-through for the new Portillo's restaurant, as just discussed in the agenda item above.

Willmus moved, Laliberte seconded, adoption of Resolution No. 11484 (Attachment F) entitled, "A Resolution Approving a Conditional Use Pursuant to 1009.02.C and 1009.02.D.12 of the City Code for Portillos Restaurant at County Road B2 and Fairview Avenue (PF17-020)," based on the comments, findings, and conditions stated as part of the staff report.

### **Council Discussion**

Councilmember Willmus stated Portillo's is a unique franchise, one of only three locations currently proposed for the Twin Cities. The Council has previously approved drive-throughs, and this is a great location to have one. He noted it does not impact single-family residents.

Councilmember Laliberte concurred with Councilmember Willmus' comments. She also thanked the Planning Commission for its discussion of the proposal and in setting up the conditions.

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

Mayor Roe added that this is a chain out of the Chicago area, and one thing Portillo's is known for is its effective and efficient drive-through. It is a well-oiled machine. He understands traffic concerns, but this part of the community is designed to be a retail area, and he is confident it can handle the traffic. He also suggested that creative signage and attractive fencing would be very welcome at this high-visibility site.

### **Roll Call**

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

**Nays:** McGehee.

**Motion carried.**

- g. **Receive Pay Equity Report**

City Manager Trudgeon presented an overview of the 2017 Pay Equity Report, noting Assistant City Manager Olson has sent an email with supplemental information and clarification. He summarized that the City is in compliance with the State requirements. He noted that the figure of 85% is the biggest disparity the City has, in one particular class. He clarified that overall, the City is at 97.62% in

compliance. The equity has eroded, due to several factors, over time, including the fact that the City's unions, which are guaranteed a consistent cost of living adjustment, are typically more male-dominated. In the last couple years, another union, the firefighters, was added that skews the figure as well.

Councilmember McGehee commented there is a significant disparity between union and non-union staff. She recalled that the Council put in place an idea, which is offensive in its conception, where the City does not try to meet the standards of everyone else, but rather considers 98% of the average to be acceptable. Now the City has put in place different ways of computing how the City handles compensation. It is time for the Council to look at that, and look at the City's policy. She suggested the whole concept of compensation and the way the City handles it needs to be reviewed. She thanked staff for the work put into the report, especially the additional information received tonight.

McGehee moved, Laliberte seconded, approval of the Pay Equity Report and recommended it be passed on to the State.

### **Council Discussion**

Councilmember Laliberte expressed appreciation for allowing the Council to review the report. She appreciated the clarifying note received this afternoon.

Councilmember Etten also thanked staff for the clarifying information, noting that 97% is the right direction in which the City should be headed. It is a good goal to arrive at 100%.

Mayor Roe commented on the union vs. non-union, noting perhaps the City needs to hire more female firefighters, maintenance workers, and police officers in order to help with the disparity.

### **Roll Call**

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

**Nays:** None.

**k. Accept a Conservation Partners Legacy Grant for Phase II of Wildlife Habitat Restoration Effort**

City Manager Trudgeon presented an overview of the Legacy Grant, in the amount of \$353,000, with a City match of \$39,286. The grant will be used to restore and diversify wildlife in four parks within the City.

Councilmember McGehee stated she pulled this because she would like to see a re-vetting of the City's wildlife management. She recalled that this plan is based on a 2002 wildlife management program. Given climate change and other factors, a review is warranted before the City goes forward. She expressed support for the

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wildlife habitat and natural areas, and the grant should be accepted. She suggested several park areas need additional buckthorn and burdock removal to aid the population of migratory birds.

In response to the concerns expressed, Mr. Trudgeon noted the report referred to from the mid-2000s has been refreshed by staff in 2013-2014, as part of the Renewal Program.

Councilmember McGehee suggested that an additional review is still needed, to involve interested members of the community.

Councilmember Etten noted staff spent a significant amount of time during the Renewal Program to create a City-wide plan to address natural resources and especially the invasive species. One benefit of this grant is the City's ability to address the last big portions of that plan. Right now, there are some uncompleted areas due to lack of funds. He noted that Langton Lake was the first large natural resource area that received attention as part of the Renewal Program. This grant will help continue the mentorship program, where a dedicated core of volunteers complete work in the areas left unfinished due to lack of funding.

Mayor Roe noted this does not mark the City's end of its efforts to deal with habitat. This is the completion of the park renewal program phase, but the City will continue to address natural resources issues going forward.

Councilmember Etten added that the City now has in its capital outlay money dedicated dollars to continue this type of work.

Councilmember McGehee noted there has been very little acknowledgment of a serious burdock problem, and the techniques used so far have been ineffective. Burdock is particularly damaging to small migratory birds and bats. She suggested additional efforts are needed, and that perhaps teams of volunteers can pull out the burdock in mid-summer when it is healthy, and even sell the root to make some offsetting revenue.

McGehee moved, Willmus seconded, authorizing the Mayor and City Manager to sign the necessary documents to accept a Conservation Legacy Partner Grant from the Minnesota Department of Natural Resources in the amount of \$353,572 for Phase II of the Wildlife Habitat Restoration Program with a City cash match of \$39,286 to be taken from the approved \$1.5M Parks and Recreation Renewal Program Budget, with the caveat that there be some review of the burdock problem.

**Roll Call**

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

**Nays:** None.

**o. Approve Public Works 2018 Work Plan**

City Manager Trudgeon provided an outline of the 2018 Public Works plan, which includes things like pavement management, utility upgrades, and railroad crossing improvements.

Councilmember McGehee noted she pulled this issue for a variety of reasons. She is disappointed this item was included on the Consent Agenda, when it was to have received full Council discussion at the prior January 2018 Council meeting, had it not been cancelled due to weather. She mentioned several areas of concern, including the importance of maintaining water management and storm water management, pavement management, and the amount of debt that has been incurred over the last seven years to address infrastructure needs. Climate change is causing more freezing and thawing, which creates a potential for more deterioration in the streets. There are 18 miles of grade 1 and grade 2 failing pipes, and those are being replaced at a rate of a mile a year, at a cost of \$1 million per mile. That would take the City 18 years to replace failing water pipes, which is exceedingly slow. She expressed concern that the Council is not taking a long-term view on Public Works projects. Taxes and fees have been raised, and a referendum has recently passed for the school districts. Health, safety, and welfare needs to be a priority. Other spending needs to be stopped, so that these critical issues can be addressed, which would also save the City money in the long-run, in terms of maintenance and repair. Some storm water ponds have not been looked at for 10 years. She also contended that leaving faucets on all winter to prevent frozen pipes is not a good long-term environmental solution. Water pressure is also an issue for some residents. She suggested the Council take this up as part of a larger discussion.

McGehee moved to TABLE action on the resolution and have a fuller discussion of funding.

Mayor Roe declared the motion to TABLE failed for lack of a second.

Willmus moved, Etten seconded, approval of the Public Works 2018 Preliminary Work Plan for Streets and Utility Improvements.

**Council Discussion**

Councilmember Etten asked the Public Works staff about expanding an existing storm water pond near Oak Crest Avenue, east of Fairview.

City Engineer Freihammer indicated the City has no plans for making that pond any bigger. One possibility to improve it, however, is to add an iron-enhanced sand filter. The site is maxed out.

Councilmember Etten noted that some neighbors have issues with the water in that area. He also inquired about the Capital Region rain gardens program.

In response to the question, Mr. Freihammer explained that Capital Region Watershed District is trying to get residents in the targeted southeast Roseville area to sign up for curb-cut rain gardens. The goal is to have 10 to 12 property owners sign up for the program. Some of that will happen this year, and a few might get carried over into next year.

Public Works Director Culver elaborated that Capital Region Watershed District is taking the lead on that project. They are also going to take on the maintenance of those rain gardens on a regular basis, so they are not dependent on the residents to maintain.

Councilmember Etten then asked about the timing of the signal replacement at the corner of C2 and Snelling.

Mr. Freihammer responded that the City is fairly committed to doing it this year, and is working to coordinate with MnDOT on the timing. The City wants to be 100% certain that any improvement will not have to be redone at a later time, depending on the plans of other agencies.

Councilmember Etten agreed with Councilmember McGehee that there are pretty significant needs above ground and below ground. The City has increased fees for sewer and water, which has allowed more progress. Later in the meeting, the Council will meet with local legislators to discuss the significant needs of streets funding.

Councilmember McGehee stated she is not supportive of doing these types of things by fee and would like to consider bonding.

Councilmember Laliberte expressed support for this work plan and the work done by staff. She noted that Public Works is an ongoing priority for the Council.

Mayor Roe added this notion that the Council is not taking a 30,000-foot view is wrong. The system was not built in a day, so not all 18 miles need to be done in one year. The plan before the Council for the last 10 years has been to replace over the course of 20 years. Newer piping systems last longer. The plan presented to Council has been vetted, and significant changes in the fee structure were made in 2010/2011. To do the list faster does not gain anything other than the ire of the citizens who have to pay more, faster. In terms of bonding, that issue was reviewed in 2010/2011. Borrowing money to pay for improvements means the City is paying not only for the improvements, but also the interest on the borrowing. It makes much more sense to pay cash for the improvements over time, than it does to ask the taxpayers to pay more simply because someone wants to use

bonding. The Met Council and the State use bonding, but they do it for a different reason and Roseville is not in that position. He pushed back on this notion that the Council is not taking a long-term view or that things are not being done correctly.

Councilmember Willmus gave credit to the Public Works staff for their work over the years and commented the City is well ahead of the game, when measured against some of the peers. He echoed Mayor Roe's comments with regard to debt service of maintenance-related items.

Councilmember McGehee expressed support for the Public Works staff, and clarified that the City has been remiss for a long time with regard to some of these projects now undertaken. The Council has done a lot of in terms of its parks and fire station, but the same attention has not been paid to infrastructure needs and repairs. She also clarified that she is not asking residents to pay more; but it is a matter of priorities and she knows that Public Works is a huge priority for residents. She agreed with digging up the ponds and making them work. She questioned the ongoing expenditures that are needed to get the job done right and the competition for that money with other projects coming forward. She concluded by commending the Public Works staff for their hard work.

**Roll Call**

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

**Nays:** None.

**7. Business Items**

**a. Consider a Comprehensive Land Use Plan Map Change for 2030 County Road D (PF17-019)**

City Planner Paschke presented an overview of the request to change the guiding of 2030 County Road D, owned by Gunnar Pettersen, from Neighborhood Business to Low-Density Residential, noting the Planning Commission recommended approval of the request.

Mayor Roe summarized that this Council consideration is the first step, which is the Comprehensive Land Use map change, which has to go through the Met Council, before it comes back to the Council for rezoning.

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

McGehee moved, Etten seconded, adoption of Resolution No. 11485 (Attachment E) entitled, "A Resolution Approving an Amendment to the Comprehensive Plan Land Use Map Designation from Neighborhood Business (NB) to Low Density Residential (LR) for Property Located at 2030 County Road D (PF17-019)," subject to Metropolitan Council review and approval."

### **Council Discussion**

Mayor Roe noted a typographical error on page 3 of the staff report where it indicates the current use is High-Density Residential, whereas it is currently Neighborhood Business.

Councilmember Willmus commented that the property was for sale for a number of years, and that probably has to do with current zoning. He expressed support for the change and added that he would very likely be supportive of re-zoning at a future date.

Councilmember Laliberte expressed support for the Planning Commission's discussion.

#### **Roll Call (Super Majority)**

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

**Nays:** None.

**b. Approve Request for a Noise Variance for the Met Council Sewer Rehabilitation Project**

City Engineer Freihammer provided an overview of the request for a noise variance in three locations around the City. The project is a sewer lining project similar to what the City has done in the past. The difference is this is a significantly bigger pipe, and there will be some open cutting involved in a couple areas. The noise variance request results from the need to use a bypass system of the existing flow. This is Roseville's first project like this, but there are likely more to come. All residents within 500 feet of the project areas were notified, and two concerns have been received. Staff recommends the Council open a public hearing for comment and approve the request for noise variance.

Mayor Roe clarified this project requires the bypass of a major sanitary sewer line, which is serving a lot of different properties, all the while keeping that line functioning while it is relined or, in some cases, undergoing an open cut.

Councilmember Etten noted one resident expressed concerned about the length of time for the project. He asked for how long on each project will there be a need for the temporary service on the pumps.

Mr. Freihammer noted the contractor created a draft schedule. In the preliminary schedule, there will be 8 to 9 weeks of bypass pumping for area 4.

Mayor Roe suggested the pumps be located as far away from residents as possible.

Ron Grajczyk, Met Council representative, stated the Met Council takes into account the depth of the pipe. There is a lot of math done to be sure it is done properly. There are a number of techniques and processes that the contractor has done before. Where they have the opportunity to assess a site, they may use an electric pump (which use a generator) versus a gas-powered pump. It is also recommended that the contractor uses sound walls and dividers to help diffuse the noise.

Councilmember Laliberte asked about the communication process with the City, as the contractor is making decisions.

Mr. Grajczyk noted there is an extensive communication in place, to make sure information is given to all area residents. The staff is also happy to meet with residents themselves and walk the site with them.

Mayor Roe reviewed protocol for the purpose of receiving public input on the above-referenced noise ordinance; and opened the public hearing at approximately 7:40 p.m.

### **Public Comment**

*Written comments via mail dated January 4 and January 23, 2018 respectively were received from Angie Garcia on her behalf as well as from Nancy Garcia, 2988 Troseth Road, both with concerns about the noise variance.*

#### **Melissa Schumacher, 3071 Avon Street**

Ms. Schumacher commented there is a lot of vagueness in the information the residents received, specifically about the impact to the driveways and the length of the project. She also noted that the Met Council's brochure arrived in the mail on January 22<sup>nd</sup>, which was the date of the previously scheduled Council meeting. She indicated that is not adequate communication, and Roseville residents deserve more.

Mayor Roe closed the public hearing at approximately 7:43 p.m., with no one else appearing for or against.

### **Council Discussion**

Mr. Grajczyk noted the information sent to the residents displays an overexaggerated temporary conveyance line so that residents can clearly delineate what is the pipe versus what is the line in the street. The design information means the temporary conveyance lines will have an 18-inch-diameter pipe. The intention is to make sure the residents will always be able to get into their driveways. There may be intermittent times during the middle of the day where they may not be able to access it, but the residents will always be able to get to their home.

Councilmember Willmus asked about the lead time as to when residents will be notified about driveways being impacted.

Mr. Grajczyk noted there are a number of events that will happen leading up to the work. For example, there will be neighborhood meetings, and the Met Council team will also go door-to-door to communicate with residents. The temporary disruptions to driveways will happen on a day-to-day basis, and the contractor is required to be in communication with the residents about the schedule.

Councilmember McGehee asked whether specific responsible project contact information will be shared at the neighborhood meetings.

Mr. Grajczyk responded affirmatively, noting a website is set up. There will be a 24-hour hotline as well as an email signup location for residents to sign up.

Councilmember McGehee asked when the first project will begin.

Mr. Grajczyk responded the draft schedule shows the end of February or early March.

Councilmember Etten added that he lives in an area impacted by this, though the pipe will not go through his yard. He concurred the brochure arrived in the mailboxes on the 22<sup>nd</sup>, the date of the meeting. Thus, the communication timeframe needs to be improved going forward.

Etten moved, Willmus seconded, approval of request to extend working hours on the sanitary sewer rehab project (MCES 1-RV-430, 1-RV-433 and 8851 Rehabilitation, Project Number 808830), as outlined in Request for Council Action (RAC) dated January 29, 2018.

### **Further Council Discussion**

Councilmember Willmus stated these are necessary improvements, there will be some inconvenience, and good communication will be critical.

Councilmember Laliberte concurred that the communication timeline will already be tight, so she asked for improved timelines. If there is a project manager that people can specifically reach out to, that would be advisable.

Mayor Roe concurred with the Council sentiment.

### **Roll Call**

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

**Nays:** None.

- c. **Public Hearing to Consider the Approval of an Off Sale Liquor License and Cigarette/Tobacco Products License to Yayin Gadol, LLC dba Top Ten Liquors located at 1611 County Rd C West**

Finance Director Miller provided an overview of a liquor sale and tobacco sale license application. Staff recommends approval of the application.

Mayor Roe opened and closed the public hearing at approximately 7:52 p.m.; with no one other than the applicant appearing for or against.

McGehee moved, Etten seconded, approval of the issuance of the 10<sup>th</sup> Off-Sale Liquor License and a Cigarette/Tobacco License to Yayin Gadol, LLC.

### **Council Discussion**

Councilmember McGehee welcomed the applicant to the community, noting it is good to have the vacant space filled since Walgreens left.

Mayor Roe advised the applicant to ensure server and management training takes place, and not to serve anyone underage.

### **Roll Call**

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

**Nays:** None.

- d. **Public Hearing to Approve/Deny an On-Sale Wine and 3.2% Non-Intoxicating Liquor License**

Finance Director Miller stated Ichiddo Ramen restaurant is looking to go into the Har Mar Mall. Staff recommends approval of the application, pending successful criminal background checks by the police department.

Mayor Roe opened and closed the public hearing at approximately 7:54 p.m.; with no one appearing for or against.

McGehee moved, Willmus seconded, approval of Ichiddo Ramen's request for an On-Sale Wine License and an On-Sale 3.2% Liquor License located at 2100 Snelling Ave N.

### **Roll Call**

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

**Nays:** None.

### **Recess**

Mayor Roe recessed the meeting at approximately 7:56 p.m., and reconvened at approximately 8:04 p.m.

**e. Discuss Legislative Priorities with Legislative Delegation**

Mayor Roe welcomed Senator John Marty, of Senate District 66. Apologies were given from Rep. Jamie Becker-Finn who has a sick child, and Rep. Alice Hausman is attending a performance by a grandchild, so both are unable to attend.

City Manager Trudgeon asked for the Council to have a dialogue with Senator Marty about Roseville's legislative priorities this year.

Mayor Roe outlined the following 2018 Roseville priorities:

- Seek financial support for capital improvements for the state and regional asset of the Guidant John Rose Minnesota OVAL and support facilities through the 2020 State Bonding Bill
- Enact Statewide Licensing of Massage Therapists
- Allowing a Taproom and Cocktail Room on the same premise.
- Allow Municipal Hotel Licensing
- Amend State Building Code Chapter 1306 to Allow Municipalities to Require Sprinkler Systems in R-2 (Multi-Family) Occupancy Groups.
- Reimburse Deputy Registrars for excess costs associated with the deployment of the Minnesota Licensing and Registration System (MNLARS)
- Expand "Pathways to Policing" Program
- Advocate for an increase in Transportation Funding
- Improve Absentee Balloting
- Fund the DEED Redevelopment Grant Program and the Demolition Loan Program
- Create presumptive coverage for Firefighters diagnosed with cancer
- Improve transparency of information property tax notices sent by counties

**Council Discussion with Senator Marty**

Senator Marty asked about sprinklers in existing multi-family buildings.

Mayor Roe explained that a minority of those buildings have sprinklers. They are required in new construction, but rehabbed buildings are still not required to install sprinklers.

Councilmember McGehee noted that Aon's rehabbed 120-unit building was not sprinkled.

Senator Marty noted there will probably be legislation for the deputy registrars' excessive cost reimbursement. It was noted that there are approximately \$40,000 in unreimbursed costs by Roseville deputy registrars to date.

Mayor Roe noted the transportation funding issues is a broad category, impacting municipalities in a number of areas, including transit and roads.

Councilmember McGehee noted there are limited east-west bus routes.

Mayor Roe stated local businesses in hospitality are concerned about the limited bus line service hours from Rosedale to the Twin Lakes area. Both employees and guests are affected by the inadequate bus service to that area.

Senator Marty asked the City staff to highlight the specific transportation needs for Roseville. He described his ongoing effort in the Legislature to reduce transit fares to 25 cents per ride, which would probably result in a doubling of ridership in a year or two.

Mayor Roe noted the current absentee ballot process is much more cumbersome than what is experienced at the polling place.

Senator Marty noted there has been resistance to expanding voter accommodations. However, absentee balloting is traditionally so much more expensive time-wise and cumbersome for voters and election judges.

Mayor Roe noted that funding of the DEED grant program would help a built-out City like Roseville with things like demolition and revitalization projects.

Regarding presumptive coverage for firefighters, Councilmember McGehee stated this has the potential to be a significant risk to resources, given that the City is self-insured. She stated that many cancers are genetically based and so she expressed some difficulty with the idea for communities that are self-insured.

Mayor Roe stated the City would want a good research-based presumptive coverage program.

Senator Marty noted that banning flame retardants for firefighters in Minnesota was a major legislative issue, given the amount of toxicity in them.

Mayor Roe urged a change in the line itemization of the taxation notices to be sent out in November so that it is clear what charges are for the City and for the EDA.

Senator Marty agreed that the most transparent form of communication would be to have a separate line item of Roseville taxes from the EDA.

Councilmember McGehee stated affordable housing is a big issue across the State. A consultant reported that according to regulations, two-thirds of Roseville housing is affordable. She would like the state legislature to have a program that would help get first-time homeowners into some of these homes with a rent-to-own program or some sort of sweat equity program, so they are not always con-

fined to rental units. The City is also looking at senior housing. There are seniors with disabilities who go into senior housing at age 62, and those units have a 15-year cap on it, so people are being “dumped on the street” at age 77. There should be varieties of programs that help some families who need other options to own property. The state legislature talks about affordable housing but have not been very creative. The solution is not to always put people in a square box that is 3- to 10-stories tall.

Senator Marty concurred that the issue of affordable housing contracts is an important issue. Federal government Section 8 housing used to have a time limit as well. He agreed there should be a diversity of people in communities. Rep. Hausman is chair of the bonding committee and would be the point person on that. The Governor’s bonding bill put a lot of money into affordable housing. In the Metro area, this is a major issue. Some of the senior high-rises in core cities have huge backlogs of deferred maintenance. Funding needs to be put in it, in a good way.

Councilmember Willmus commented on tobacco sales, and moving the legal age from 18 to 21. He noted he will be asking for this to be an agenda item for a future Council meeting. However, it might be more efficient if addressed on the State level so people aren’t skipping from community to community to purchase tobacco and nicotine-based products.

Senator Marty commented that tobacco legislation has been very slow recently so many communities have been doing it on their own. The State should be trying to address some of these things, but he would also encourage Roseville to address them.

Senator Marty then asked how big the OVAL project is.

Mayor Roe noted that there is currently a \$2 million figure serving as a placeholder for OVAL.

Mr. Trudgeon added that a study is underway and a final figure should be available by mid-February.

Senator Marty summarized that the Governor’s proposal has a lot of dollars earmarked for higher education but does not have a lot of local projects. He reported that Rep. Hausman believes the final bill will add in some local projects. The last time the OVAL received revenue, it took a year or two, and it may be the same sort of thing here.

Senator Marty noted the sprinkler requirement for multi-family may be controversial, as some people are concerned about requiring sprinklers in single-family in the future.

Senator Marty thanked the Council for the presentation of its priorities and asked the Council to keep in touch with his office.

**f. Consider Amending the Alcohol Ordinance at the Cedarholm Community Building and Golf Course**

Parks and Recreation Director Brokke stated the new community building is slated to open in June. In order to be able to offer alcohol at the new site, two ordinance changes are required. The first ordinance, 701.03, Section G, relates to day-to-day operations that allows alcohol at the Roseville Golf Club House and on its deck. After that section is removed from the ordinance, staff would come back before the Council and go through a regular application process for a liquor license.

Mayor Roe noted that the word “except” on line 35 should not be stricken out, as it provides an exception for Central Park that needs to remain in place. Staff made note of this correction.

Mr. Brokke noted that 302.02, Section O, currently references the Skating Center and it should be expanded to include the Cedarholm Community Building:

*Intoxicating Liquors at events at the Roseville Skating Center and Cedarholm Community Building and Golf Course: Intoxicating liquor may be sold within controlled areas at the Roseville Skating Center and Cedarholm Community Building and Golf Course only under the following conditions:*

And further on in Section O:

*The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the Roseville Skating Center and Cedarholm Community Building and Golf Course for such event and may dispense intoxicating liquor only to persons attending the event.*

Mr. Brokke noted these changes would allow the Skating Center and the Community Building to host weddings, birthdays, and anniversaries.

Councilmember Laliberte commented that the task force who helped plan the Community Building received a lot of feedback regarding having alcohol available at more than just specific events, as seems to be indicated in Section O.

Mr. Brokke noted that would be allowed when staff comes back with the regular application.

City Attorney Gaughan confirmed there would be a license that allows for the on-going selling alcohol, rather than just specific events, but the Community Building would also have a provision for events.

The Council discussed the specifics of the licensing and what this ordinance change would allow.

Councilmember McGehee asked about the difference between the Cedarholm Community Building and a pub, if the former will be allowed to serve liquor on an on-going basis, apart from events. The City may be liable if someone comes to the Cedarholm Community Building and drinks too much and subsequently gets in an auto accident.

Mayor Roe confirmed that is a good issue to discuss once there is an application before the Council to sell alcohol, but the issue tonight deals with the ordinance changes.

Etten moved, Willmus seconded, enactment of Ordinance No. 1540, (Attachment A) entitled “An Ordinance Amending Selected Text of the Roseville City Code, Title 7, Chapter 701, to Accommodate New Operation Plans at the Cedarholm Community Building and Golf Course, Allowing the Service of Wine and Intoxicating Malt Liquor on a Daily Basis;” and also enactment of Ordinance No. 1541, (Attachment D) entitled “An Ordinance Amending Selected Text of the Roseville City Code, Title 3, Chapter 302, to Accommodate New Operation Plans at the Cedarholm Community Building and Golf Course Allowing the Service of Intoxicating Liquor by Licensed Vendors during Authorized Events;” with the one change of not redacting “except” as previously noted by Mayor Roe.

### **Council Discussion**

Councilmember Willmus commented this decision makes sense given the type of events that will be hosted at the Community Building.

#### **Roll Call**

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

**Nays:** None.

Etten moved, Willmus seconded, enactment of Ordinance Summary No. 1540 (Attachment C), entitled “A Summary of an Ordinance Amending Title Seven, Chapter 701,” and enactment of Ordinance Summary No. 1541 (Attachment F), entitled “A Summary of an Ordinance Amending Title Three, Chapter 302,” dated January 29, 2018.

#### **Roll Call**

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

**Nays:** None.

**g. Consider Resolution Authorizing of the Use of Eminent Domain for the Acquisition of 2719 Lexington Ave. for Public Purposes**

City Manager Trudgeon provided an overview of the staff report as detailed in the Request for Council Action (RCA) dated January 29, 2018, noting this item relates to the Lexington Shoppes directly north of the City Hall, which the City would continue using for an expanded licensing and passport center.

Mr. Trudgeon noted the seller is aware of this matter tonight and does not object. There is a federal tax code provision that is advantageous to the seller as well. He added that there are additional steps that would have to be taken after this resolution tonight to actually proceed with eminent domain.

Mayor Roe summarized that this resolution does not initiate eminent domain, but this is the first necessary step if the Council decides to proceed with it down the road.

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

Etten moved, Willmus seconded, adoption of Resolution No. 11486 (Attachment B) entitled, "A Resolution Authorizing Acquisition of Real Property for Public Purposes."

### **Council Discussion**

Councilmember Etten appreciated this is a tool in the City's toolbox.

Councilmember Willmus stated this is being pursued with the full knowledge of the seller, and the seller has not raised objection to this path. It might typically be a little different than what folks are used to hearing about eminent domain.

Councilmember McGehee stated there has to be a justification that this is a necessary public purpose, and she does not think there is. This does not pass for what is legal use of this tool; therefore, she does not support it, as the City is doing it as a tax accommodation to the seller. She does not believe this purchase would be essential, is unnecessary, and puts the City in a position of being business people in the community, which is a role the City should not take.

Councilmember Laliberte stated she will not support this resolution, since she will not be supporting the next item on the agenda either.

Councilmember Etten stated the City has important needs that this acquisition will address.

Councilmember McGehee stated she has been unhappy with this process, and she has asked to have a full discussion before it came to this point. It is nice that one member of the Council feels this has a good public purpose, but she believes this issue has not been fully vetted in the public.

Mayor Roe agreed this is a public purpose and serves a number of needs of the City.

**Roll Call**

**Ayes:** Willmus, Etten, and Roe.

**Nays:** Laliberte and McGehee.

**Motion carried.**

**h. Consider Acquisition of Property Located at 2719 Lexington Ave.**

City Manager Trudgeon summarized the agreement in lieu of condemnation, noting the City would be purchasing 2719 Lexington Ave for the price of \$2.3 million, which includes a 60-day due diligence period. There is the possibility of extending the due diligence period by 30 days, with an additional \$10,000 in earnest money. He also highlighted the option for the seller to purchase the Fairview Fire Station, which the City will divide into 2 parcels. The sellers will pay \$867,000 to the City as part of that agreement. Additionally, the seller will be the property manager of the Lexington Shoppes location for 12 months, with the potential of a month by month renewal.

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

Willmus moved, Etten seconded, adoption of Resolution No. 11487 entitled, "A Resolution Approving the Purchase/Sale of Certain Land by the City of Roseville."

**Council Discussion**

Councilmember Willmus stated the Council has discussed this extensively in closed session. This is not an issue solely related to the license center but rather long-term space needs for the City. This is an opportunity to acquire the property that abuts the City's campus with a willing seller. In the future, the City will need more space. Long-term, this fills a couple of different needs related to public Works and parks, as well as the License Center. When considering the operating expenses of the License Center, this makes sense. With the sale of the Fairview Fire Station, this makes even more sense.

Councilmember Etten commented this will solve several short-and long-term needs for the City. Owning the Center will save the City over \$100,000 a year in rent for the License Center. The Council has looked at significant investments in the License Center to make it a better experience and more successful enterprise. He agreed one of the biggest reasons is that it is contiguous land to the current City spaces. This could also allow for the possibility of a Community Center. He noted the City is hiring Gaughan Company to continue to manage the property. The City will be able to start paying off this bond without raising taxes for the residents, which is a tremendous opportunity for the City.

Councilmember McGehee asked with what money the bond will be paid off.

Councilmember Etten noted the rent savings of \$107,000 per year, as well as the revenue from the other tenants in the building.

Councilmember McGehee noted the other tenants can stay only as long as the City does not use the space. It is one issue to talk about expanding the License Center, but it is another to continue to have tenants when there will be other space needs in the future. She noted this will be taken off the City's tax rolls. The financial piece of this is important to consider. She also noted that in the same area, adjacent to the City Hall, there is a major park and Skating Center which holds 3.9 acres and this parcel is only 2.55 acres. The parcel that is owned by VFW is 1.91 acres, and it pays significant less in taxes to the City, and it would be a significantly lower cost. She conceded that is not ideal for the License Center, but there were many pieces of this not discussed, including other locations and other space needs and re-utilizing other spaces the City has that are not currently utilized. Until that is understood, she cannot support this. She felt the process has not been satisfactory.

Councilmember Laliberte agreed about the Council discussion about long-term space needs. She noted the Council has continually talked about space needs in compartmentalized ways. A better process would be to have a planning and public process to discuss the City's needs in total, in the way the City plans parks and other big projects in the City. The Council has failed to bring it all together in one big picture discussion. She also expressed concern about the different numbers the City has seen over time at the License Center. Also, renovation will have to happen, and that has not been decided. In the long-term, she noted it is a good piece of property, but the timeframe for purchasing is not now. She commented that how the City has gotten to this place at this price has been choppy at best.

Councilmember Etten stated the timing comes from the City's planned investments at the License Center. Though the price point is not agreed upon, we know it will be happening. Purchasing this location allows the City to halt \$107,000 going out the door and there are also two empty tenant spaces that the City can use right now, or they can be rented out to receive revenue from them. That is a fu-

ture decision. He noted that right now, no tenants have to be kicked out to have additional storage space.

Councilmember Willmus commented one of the biggest drivers in this process is the location of this parcel and its proximity to the property that the City already owns: City Hall campus as well as Veterans Park. The acquisition of this parcel will give future Councils a much easier time when they have questions that are brought before them with regard to additional Public Works and additional parks, and perhaps down the road an opportunity to have an in-depth conversation about the community center. The City has not defined how or where it would go. This is a large parcel that would be controlled by the City and would have an easier time with some of those conversations. He does not see the cost of land decreasing significantly, so this is a unique opportunity before the Council.

Councilmember McGehee stated the driver for this is a desire to have space for a proposed Community Center but there is no support for such a concept unless it is self-supporting by revenue. She noted the City of Roseville has burdened the residents over \$20 million of debt and that is yet to be sustained in the CIP program. These are policy discussions to be had going forward and are reasonable questions policy issues to be discussed as a group. She stated there is a disagreement about the amount of debt the City has incurred without any referendums and the overriding of the policy by 3 votes that required a referendum for certain levels of expenditures. The City changed that by 3-2 vote. As a policy, she felt it was not good to have major purchases happen on a 3-2 vote. She stated it is clear how this will go down, and that is fine, but there are policy things that need to be discussed.

Councilmember Laliberte commented she has agreed with much of what the Councilmembers have laid out, and so this is not an easy “nay” vote. She asked that the Finance Commission becomes involved as soon as possible, and stated she thinks that is what should have been done prior to what is happening today.

Councilmember Etten disagreed with Councilmember McGehee’s comments about the City not having a plan in place for Public Works. This Council and recent Councils have put plans in place and have put plans in place for funding. The Council is not being negligent. There is a plan; it is not fully carried out yet. There is real money and real action behind the plan. He wants the community to understand that.

Mayor Roe agreed the concept of this purchase is, as Councilmember Willmus stated, an opportunity that presents itself and comes out of the fact that significant investment is needed in the License Center. It does not make sense to the residents and others in Roseville who support the City to put hundreds of thousands of dollars of renovation costs into a property that the City is already into a 5-year lease period, and there are unknowns about what will happen then. He noted this

will provide an opportunity to invest in a property in a way that is responsible and has long-term amortization. It provides a long-term solution for the License Center. It also provides the opportunity for possible solutions for perhaps a Community Center or expansion of a Public Works facility. There was discussion previously about how landlocked the existing Public Works site is. By acquiring additional property adjacent to City Hall, he noted this provides the opportunity for site control to solve the City's problems. In terms of financing, the City on a yearly basis can set aside in the range of \$30,000-50,000 towards future capital needs or other aspects of dealing with this site going forward. That includes paying off the bonds. The taxpayers will not subsidize this process. There is additional space that may be used for storage or it can be decided to lease out that space. He recalled an article in the paper covering the council's move to purchase this property when the City rejected bids on License Center rehabilitation. Thus, this process and decision is not catching people by surprise. He noted referendums are statutorily not allowed to be done to ask for voter advice. That being said, the type of financing here would be revenue-supported, and that has been set up by the State as something that does not require a referendum. He expressed support for this purchase going forward.

Councilmember McGehee asked to clarify the City's rental of \$107,000. Under State law, the City is required to have a referendum for bonds. She does understand referendums and when they can be used.

Mayor Roe noted that as a tax-exempt entity, the City can put the non-tax-exempt portions back onto the tax rolls.

**Roll Call**

**Ayes:** Willmus, Etten, and Roe.

**Nays:** Laliberte and McGehee.

**Motion carried**

**8. 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 8, 2018 City Council Meeting Minutes**

Etten moved, McGehee seconded, approval of the January 8, 2018 City Council Meeting Minutes.

**Roll Call**

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

**Nays:** None.

**b. Approve January 16, 2018 EDA Minutes**

McGehee moved, Etten seconded, approval of the January 16, 2018 EDA Meeting Minutes as amended.

**Corrections:**

- **The letter from Mr. Mulder’s email, received at the dais at the Council meeting, should be attached to the official meeting minutes, as per City policy.**
- **Page 7, Line 286 (Roe)**  
The word formally should be “formerly”

**Roll Call**

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

**Nays:** None.

**9. 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 (RCA) and related attachments, dated January 29, 2018.

**a. Approve Payments**

Willmus moved, McGehee seconded, approval of the payment of claims as submitted.

<b>Check Series</b>	<b>Amount</b>
ACH Payments	\$3,535,669.98
87984-88428	\$2,909,804.06
Total	\$6,445,474.04

**Roll Call**

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

**Nays:** None.

**b. Approve Business and Other Licenses**

Willmus moved, McGehee seconded, approval of the Temporary Consumption and Display Liquor License, Temporary On-Sale Liquor Licenses and Temporary Gambling Permits, as outlined in Request for Council Action (RCA) dated January 22, 2018.

**Roll Call**

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

**Nays:** None.

**c. Approve General Purchase or Sale of Surplus Items Exceeding \$5,000**

McGehee moved, Etten seconded, approval of the submitted purchases or contracts for services and if applicable; the sale/trade-in of surplus items, as outlined in Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

**d. Approve Resolution Awarding Contract for the Lounge Sanitary Sewer Lift Station Project**

McGehee moved, Etten seconded, adoption of Resolution No. 11488 (Attachment A) entitled, "A Resolution Awarding Best Value Proposal for Project 17-14 Lounge Sanitary Sewer Lift Station," as detailed in the Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

**h. Approve Agency Delegated Contracting Process Agreement**

McGehee moved, Etten seconded, Resolution No. 11489 (Attachment A) entitled, "A Resolution Approving the State of Minnesota Agency Agreement for Federal Participation in Construction: 1029999 with the State of Minnesota Department of Transportation," as detailed in the Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

**i. Approve Entering Into an Agreement for the Water Booster Station Phase 2 Improvements**

McGehee moved, Etten seconded, approval of entering into a Professional Services Agreement with AE2S for the Water Booster Station Phase 2 Improvements, as detailed in the Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

**j. Consider a Resolution in Support of the Recovery of Excess Costs Associated with the State's Licensing & Registration System**

McGehee moved, Etten seconded, adoption of Resolution No. 11490 (Attachment A) entitled, "A Resolution Supporting the Maintenance of Local Licensing Bu-

reaus,” as detailed in the Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

- l. Approve Entering into an Agreement for the SCADA Radio Integration**  
McGehee moved, Etten seconded, approval of entering into a Professional Services Agreement with AE2S for the SCADA Radio Integration project, as detailed in the Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

- m. Approve Entering into an Agreement for the Water Model Phase 2**  
McGehee moved, Etten seconded, approval of entering into a Professional Services Agreement with AE2S for the Water Model Phase 2, as detailed in the Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

- n. Approve Annual Contract with Northeast Youth and Family Service**  
McGehee moved, Etten seconded, approval of annual contract with Northeast Youth and Family Services to provide services to at-risk youth and families in Roseville, as detailed in Request for Council Action (RCA) dated January 29, 2018.

**Roll Call**

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

**Nays:** None.

- 10. Council & City Manager Communications, Reports, and Announcements**  
City Manager Trudgeon provided an updated the transportation mini-forum regarding NewTrax and the Community Health Action Team’s speaker series.

Councilmember Laliberte reported that the League of Minnesota Cities has recently appointed her to the Minnesota Fire Service Advisory Committee and, and she has one call-in meeting to date.

**Regular City Council Meeting**

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Mayor Roe noted he attended a LMC training for experienced elected officials this past weekend. He noted the primary thing he took away was improving the City's crisis communication.

**11. Councilmember-Initiated Items for Future Meetings**

Councilmember Etten stated the City may have lower fees for its cigarettes and tobacco license charges as compared with neighbors, and he would like staff to research this and report back to the Council.

Councilmember Willmus would like the Council to consider potentially changing the minimum age related to tobacco sales in the City, from 18 to 21. Perhaps the City can look at other communities who have preceded the City in that direction.

**12. Adjourn**

Willmus moved, Etten seconded, adjournment of the meeting at approximately 9:35 p.m.

**Roll Call**

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

**Nays:** None.

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Daniel J. Roe, Mayor

ATTEST:

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Patrick J. Trudgeon, City Manager