

# Regular City Council Meeting Minutes City Hall Council Chambers, 2660 Civic Center Drive Monday, March 6, 2023

#### 1. Roll Call

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

## 2. Pledge of Allegiance

## 3. Approve Agenda

City Manager Trudgeon requested two additions at the end of the agenda. Item E "Consider Approving a Letter of Support for NYFS Request for Federal Funding" and Item F "Discuss Appointment or Reappointment Process for the March 13<sup>th</sup> City Council Meeting and Consider Recruitment Period for Applicants for the Finance Commission, Human Rights Inclusion and Engagement Commission", due to receiving less than the number of applications typically required per policy for the appointment process.

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

### Roll Call

Ayes: Strahan, 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.

Ms. Anne Collopy, Executive Manor, Old Highway 8, wanted to make an editorial comment. She indicated she always reads the newsletter to keep up to date and really enjoys reading it. She noticed the Proclamation in it for Women's History Month. She read through it and thought there was one thing missing in the Proclamation, which is recognition for being great moms and wives and making a beautiful home. She thought that should be number one on the list. She did not want anyone to forget the hard-working women bringing up good citizens in Roseville.

Mayor Roe thought those are good points and the City would take a look at how that is reflected in the proclamation going forward.

## 5. Recognitions, Donations, and Communications

## 6. Items Removed from Consent Agenda

#### 7. Business Items

- a. Convene as the Board of Appeals
  - a.i. Consider an Appeal of a Staff Decision Regarding Whether or not Two "Micro-Units" are Permissible Dwelling Units at 2555 Victoria Street N Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request For Council Action and related attachments dated March 6, 2023.

Chair Roe invited Prince of Peace representatives up to speak to the Board of Appeals.

Pastor Peter Christ echoed the gratitude he shared when he was with the City Council at the January 30<sup>th</sup> meeting. The commitment this City has shown towards its homeless neighbors has been an important step in making this place a community that sees the value of each individual as integral to their shared story. In particular, the efforts of Cari McCollor and her colleagues within the Roseville Police Department are to be commended but this is just the beginning of realizing the full expression of the vision the Council has set before this City to be a welcoming and inclusive place for all. He indicated he was blessed to serve as lead pastor of Prince of Peace Lutheran Church. He explained since 1957, their church has been serving the community and sharing the love they believe comes from God in tangible ways to care for their neighbors. For over sixty-five years Prince of Peace has been lucky to root their ministries on a hilltop overlooking Roseville Central Park. He indicated they have been blessed to work alongside countless ministry partners to live our their callings and truly transformative ways.

Pastor Christ introduced Mr. Michael Stetzler, president of Prince of Peace Lutheran Church congregation, and is elected by their membership. He is the organizational leader of the ministry and entrusted by the congregation to carry out its mission and vision. He also introduced Ms. Valerie Roy, who has been living on Prince of Peace Lutheran Church campus since the end of July 2022. He explained they so often talk about the homeless and the challenges they face. He was grateful that tonight the City Council will have the chance to talk with someone who knows what it is like to live day to day separated from the relationships and support systems many people take for granted. He noted both Valerie and Michael have prepared comments for their appeal. Also joining them and available for questions are representatives from their ministry partner that Valerie introduced to them after her arrival at Prince of Peace. Mr. Fred Ogamachi is on the staff of Settled, the organization that has developed a community first approach to caring for the chronically homeless. He introduced Ms. Meredith Campbell who serves on the board for Settled and is an organizer of the first sacred settlement, now operating in the City of St. Paul in partnership with Mosaic Christian Community on Wheelock Parkway. He also introduced Mr. Evan Berquist, with

Cosan/O'Connor, the law firm that is assisting them in this appeal and specifically as it relates to the Federal Statutes outlined in the Religious Land Use and Institutionalized Persons Act. He also invited everyone in support of the appeal to stand or raise their hands.

Pastor Christ stated what they are doing would not be possible if not for a wide base of support they have been receiving. His goal is to be clear that their concern for the homeless and providing shelter to Valerie is not just the right thing to do, for them, it is an act of faith. The long history of Prince of Peace for living out this faith in the countless ways it has loved its neighbors. especially those in need, has conditioned them to respond in this way. When someone is hurting, they respond. When someone is hungry, they respond. When someone is alone, they respond. In 2019, Roseville Schools shared with them that over 250 students in the district were unstably housed. This startling statistic forced Prince of Peace to ask, how will they respond now. Prince of Peace formed an affordable housing team to consider how their resources, including their sizeable campus might aid in addressing this crisis of homelessness. At the same time and as the COVID pandemic wore on, Prince of Peace experienced a dramatic increase in the volume of people presenting themselves at their door and looking for help. For each who came to them, they offered what they could. They also took note of how frequently people clearly living out of their vehicles are found their parking lot, at a place where they would not get asked to leave. When Cari McCollor called to ask if Roseville Police could send them Valerie and her RV, his response was going to be yes. As a church, they have an acute awareness that our abilities to love and serve their neighbors are dramatically improved when they seek out strategic partnerships. Partnering with Roseville Police is one example of that. Partnering with Settled is another. After Valerie introduced the church to Settled, Settled offered to provide the church with an upgrade to Valerie's RV and transform her circumstances by employing a Community First model and creating this interim sacred settlement. Again, the church's response was yes. As the church has been able to care for Valerie in such simple terms, with striking outcomes, they would like to invite the City of Roseville, all of its departments, and not just the Police, to become strategic partners with Prince of Peace Lutheran Church as they further address the needs of those experiencing chronic homelessness in the community and all the City needs to do is to say yes.

Pastor Christ noted he wished the City Council could have also met the Valerie he met last July, but the Valerie the Council is going to hear from tonight is truly remarkable. In July, she was exhausted by her circumstances but resolute in her hopes for a future. In the months since, Valerie has grown more and more confident in that future. Along the way she has demonstrated to Prince of Peace that God is still very much at work in Roseville.

> Ms. Valerie Roy explained she is fifty-three and is staying at the first unit at Prince of Peace Sacred Settlement. She indicated she has lived half of her life in vans, cars and school buses. She has done everything to live right. She explained she is sober, has never been convicted of a crime, and never has had an eviction or faced foreclosure. But, unfortunately, that did not save her from being episodically short-term homeless between the ages of twelve to twenty-five and until now, eleven years long-term homeless. She now lives in a beautiful tiny home at Prince of Peace Church and has access to the church which she can use as an extension of her tiny home. She has good neighbors and for the first time in eleven years she has a community around her, supported by this community she has had many more opportunities to network, to make friends and to heal from trauma. This tiny house opportunity has been life changing. She thanked the City Council for helping to find solutions for chronic homelessness, especially since she would have faced another Minnesota winter in a van. She can only get better from here and her quality of life is on the rise and she has Roseville, Minnesota to thank. She explained if the Roseville Police Department and Cari McCollor had not intervened and sent her to Prince of Peace, none of this would have changed for her and she is so very grateful. She was glad the Council was interested in this model and is a big step up from the nasty shelters and she has seen her share. Starting with the American Red Cross, three times she has survived natural disasters in three different parts of the Country. She thought she would die in the old Dorothy Day Shelters. When she arrived there, there was a bed lottery. This tiny house model is being considered all over the Country and she was glad that Roseville is interested in deeply affordable housing solutions. It has made a big difference in her life to live in a stable home again. She hoped that in the future this can make the same changes for many others.

> Mr. Michael Stetzler, Congregational President, expanded on a few points made by Pastor Christ. He indicated he would like the City Council to broaden their thinking regarding this. Instead of narrowly focusing on two micro-units as described, he encouraged the Council to think about what Prince of Peace is doing as a community, not just two structures that do not meet certain codes. He explained the congregation did not set out to develop a Community First Settlement, they just came to church Sunday after Sunday this past summer and grew to be friends with Valerie. Even before the issue of tiny homes came up, they had already begun, without consciously thinking about it, to develop a community first model. Prince of Peace was not trying to implement a specific model, it just happened as they practiced their faith. The congregation learned about the challenges of homelessness and got a spark of community in the church that they did not have before. This helped the church grow as well as Valerie. At the end of the summer several things happened almost simultaneously, Valerie had moved from her bus to her van and at about the same time the congregation learned about the community

first vision and were offered the opportunity to provide a place for Valerie using the community first model. As president of the congregation, it was his role to help the congregation decide what to do. There were open meetings to discuss the offer and in those meetings and since he has heard no opposition to the basic concept, only questions about how to proceed. The key concern, and in fact one of his own, is that they do not, as Prince of Peace, commit to making the tiny homes permanent without going through a planning process or discernment but explores how this model fits into their larger mission and vision. They told the congregation that these homes will only stay until Valerie is able to move into a new Sacred Settlement or if Prince of Peace makes them permanent. At this point the church does not regard it as permanent. That brings him to the question before the Council, all of the options that City staff has laid out, thoughtfully, properly, in his view, but they all have the affect of putting Valerie back out onto the street. Strict compliance, like putting in a foundation and water, those type of things, would take several months or maybe more depending on all of the planning, permitting and funding. Finding an alternative location that did what she needs which is a community, would also take time, much more than the maximum ninety days that the recommendation in the Resolution might allow or the interim permitting process which is dicey and chancy at best and would probably have Valerie out in the streets within ninety days, if it was not successful and maybe even longer if it was. That leads the Council to accept their appeal and allow them to continue this discernment process. That would allow Prince of Peace to work with the City and to plan how to develop the best solutions. It would also allow time for the State Legislature. Ramsey County and the City of St. Paul to bring their study of these issues to a conclusion and Roseville can be a partner in that process. Their vision is for a vibrant community that seeks a transformational relationship with God, their neighbors and one another while responding authentically, creatively and justly to the most compelling needs of the community and that is what Prince of Peace Lutheran Church is doing. This work has made their congregation a more vibrant community. Community First is a transformational approach to homelessness and is creative. It is just and homelessness is a compelling need. He thanked the Council for their time.

Board member Strahan indicated when Pastor Christ was before the Council before, he considered these to be recreational vehicles and he did not mention that this evening. She asked him to clarify that.

Pastor Christ explained the two homes currently located on the property are licensed RV's and meet all of the Code requirements in order to receive that licensure and that was insured before Prince of Peace took possession of the homes and brought them to the church. These are built to the same standards as the homes that are placed currently over at Mosaic Sacred Settled.

Board member Strahan noted that there is also an RV in the Prince of Peace parking lot with someone living in it at this time.

Pastor Christ indicated Roseville Police Department contacted him last Friday evening and asked if Prince of Peace would host a couple who had nowhere to go. This couple was parked at a Cub Foods and were asked to leave. They had nowhere to go so the Police Department contacted him, asked if he would receive them at their parking lot, and he said yes.

Board member Strahan explained the City does not allow parking, not even at the Walmart, which is typical camping site at many places across the Country but like many other municipalities across the Country, the City does not allow overnight parking at the Walmart.

## **Public Comment**

Chair Roe offered an opportunity for public comment.

## Ms. Kathryn Brennen, Finn Street, St. Paul

Ms. Brennen explained she was a frequent visitor and a friend of Valerie's and her neighbors. It sounded to her like on the one hand, Roseville staff correctly interpreted for the specific units, however, she wondered if the Council and staff is aware that Valerie and her neighbors have half of their resources at the church. The church has a beautiful common room with a fully equipped kitchen and there is access to plumbing, both for kitchen purposes and bathroom purposes.

Chair Roe indicated that was part of the information.

## Ms. Joan Carchedi, 2670 Oxford Street N

Ms. Carchedi indicated she just learned about this item a half hour ago so she came to the meeting. She indicated even though Prince of Peace is not her home church, she gets to frequent there twice a year as an election judge. She concurred the amenities there are wonderful. She has seen injustice with the homeless, not just in Minnesota but in other states where she has traveled. When people deal with homeless encampments, those people are not treated as individuals. Those people take everything that the homeless have and throw it away which puts the individuals back at square one. Last year there were a couple of homeless people that put tents across from where she lives and some people complained about it. She was not sure how the tents were taken down but they were removed when those individuals were not there. She did not know if those individuals got their stuff or not so when she heard about this, she thought it sounded like a great model. She knows full well what a community can do for one person and their idea of a home is not necessarily everybody's idea of a home. She has been a Roseville resident

since 2009 and loves it. She thought the past Councilmembers had done a great job leading Roseville and showing how outstanding Roseville is as a community. She thought this is one more thing that Roseville can excel in and this sounds like a great model. If Roseville can be outstanding in the area of solving homelessness, that could put the City on the map and people would want to emulate that. She would like to see the Codes amended to fit what they do not see yet as far as changing the narrative for homeless people.

#### Ms. Constance Gruen, 2680 Oxford Street N.

Ms. Gruen stated she is a person of faith and tonight this is the best advertisement she has heard for a church. She would like to take this idea to her church, Centennial United Methodist, that has some land. She did not like to call these solutions creative because they are not from nothing. They do not need to be creative, they need to be adaptable, flexible, and all the rules in their lives were created for certain circumstances. She would appeal to the City Council to write rules that adapt the needs in the community and how better to have an organization that is about community, not a bank, but a church who knows how to tell a community to do this kind of work.

## Ms. Claire, Ruen, Mid Oaks Lane, Roseville

Ms. Ruen explained she is relatively new to Minnesota, she is a friend of Valerie's, and she supports the appeal. She stated it was an incredibly gratifying moment when she helped Valerie put her bed in the tiny home and Valerie told her she would not have to sleep at an angle that night. She thanked the Council for considering the appeal.

Chair Roe closed the opportunity for public comments with no one else requesting to speak. He thanked everyone for their comments. He asked if there were any follow-up questions the Board had for staff or for the appealing party. He noted the potential Resolution is attachment G, as provided by staff and could be the basis or model for the motion. He explained that typically, when the Board does things like this, they to findings of fact, that are generally outlined as a part of the discussion. Then the attorney drafts a more formalized documentation of that which is followed up at a subsequent meeting.

Schroeder moved, Etten seconded, adoption of Resolution No. 11971 entitled, "Resolution of Decision of the Board of Adjustments and Appeals Related to the Appeal from the Property Owner of 2555 Victoria St. N., Regarding an Administrative Decision Pertaining to Placement of Illegal Dwelling Units."

## **Council Discussion**

Board member Schroeder explained what the Board is looking at is what staff pointed out very clearly what has not been followed when it comes to the regulations and zoning for this particular item. That is the part she did not hear any argument against, that it was not in violation. Therefore, the facts and findings listed in the staff report clearly point out that the Board does not have any reason not to continue with their findings. Her point is that there is not any argument against their findings.

Board member Schroeder explained she firmly is in favor of supporting anything that the City and community can do to help with the homeless and she thought Roseville has done a good job with that. That is a separate issue from this one and to her this is not in compliance but there are some recommendations in the packet on how the City can work with the church to bring it along so everyone can work as a partnership to come up with a resolution on what would work in the long run. She indicated they have to move beyond this piece in order to find solutions.

Board member Etten thanked Prince of Peace and so many other in the community who are working with the homeless and homelessness. He believed everyone on the Council, through the votes and staff with the work done over the years are very supportive of solutions to homelessness in this area. Everything from the City's Police Housing Resource person to building hundred and hundreds of new units of affordable housing in the last ten years with the support of City dollars and Tax Increment Financing (TIF) and other resources and to the City's new Land Trust Program, and working in partnership with Habitat for Humanity. He did not think that is the question here tonight, their task is pretty straight forward and has been pointed out by a few people and he agreed that the church at no point addressed the legal arguments of staff around this so he did not know how the Board could not support the legal arguments laid out and he thought it was quite clear that these units do not meet the Code for permanent housing. What he did support is the City staff and Prince of Peace's starting discussions around Code compliant tiny house or cottage home. This is something the City Council added to the City Code a couple of years ago, specifically to look for additional types of housing that would include something like this. He would support that happening on 2555 Victoria, the piece of property where these RVs are currently located. He was supportive of using City resources and potentially including sewer access charges, maybe ARPA dollars, and the City supporting staff to find additional resources for making this possible. Things like talking about sewer connections to the church or if the connections where the home used to be on the property still viable, sewer and water, and easy to hook into. Looking for solutions to making that a permanent piece is something he would support. At this point, he did not support the current situation.

Board member Strahan thanked everyone for the discussion tonight. She indicated she has long worked in homeless and support of housing for women in North Minneapolis. She has worked with homeless folks in North Minneapolis for about twenty years so she understands the passion and she understands the desire to do everything possible, especially for people who may be chronically homeless. She knew there were many issues but she does agree and echo what has been shared. She did think this calls upon Prince of Peace and maybe Centennial and others to look at this as more of a permanent settlement instead of an interim settlement so it does create a longer term commitment but hopefully for the betterment of those who can utilize the space. It is seen, not just as an interim, fill the gap, but a space that can be seen long term.

Board member Groff explained this is a very difficult discussion but he wanted to thank all of the members at the meeting because this is the work that has to be done to move this forward. The City Council has been working for several years on housing challenges in Roseville, people living in parks with problems with drug addiction and alcohol, and people that need the support of the community. He thanked Prince of Peace for doing that but as the other Boardmembers have stated the City does have Codes and that is the question here. He noted Codes can be changed but this would be something they could not do in the short term either.

Chair Roe echoed what has already been said. He thought the City really wanted to help with this situation but a solution has not been derived yet for all circumstances. The City needs to continue to work in that direction. He also supported the City working together with Prince of Peace to try to come up with a solution. He has been supportive of looking to change some things in the City Code to accommodate more creative solutions, especially tiny homes and things like that. He thought one of the follow up discussions the City will need to have is how to deal with the process and details, especially with folks that live out there now because the last thing the City wants to do is to make their situation worse. Frankly, he thought that talking about creativity, the City can support the funds needed or credits for sewer and connections which may be needed to do some of the work of making the unit or two that are there compliant with City Code.

#### Roll Call

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

Nays: None

Chair Roe stated staff has outlined a couple of processes and he was not sure if those were adequate, as presented, either necessarily. He thought it was appropriate to find a timeframe for resolution that allows, if they need to move somebody out of existing facilities they are in, to have that happen in

an orderly manner and find somewhere the person can go, at least in the short term. But at the same time, not such a long time frame or process. He was concerned about the ten-day time frame being too short as well as well as the ninety-day timeframe being too long. He thought the Board needed to figure out something between those and did not know if staff or the Board had any thoughts on that.

Mr. Trudgeon reviewed the options presented in the staff report. He explained staff was looking for enforcement direction.

Boardmember Strahan indicated when she talked with Mr. Trudgeon, they talked about possibly not putting parameters around it so no new people were to move into the site and if the people currently there were to find other housing, no additional people would be allowed to move in and take their spots. If the City is looking at some timeline for removal, she thought it would be appropriate and good to spell it out so there is not a surprise if someone came in that they were moved out quickly. She fully supported the timeline but would like to have the opportunity so the City and Church would sit down, start working toward a solution, and see if there is the possibility of a quick fix for this. She did not want this to linger on until next fall. She would be comfortable with possibly 120 days but thought within sixty days the City would have a pretty good idea whether this is headed toward a solution that met the goals. She noted as it warms up, it would be nice to work toward a solution and some type of permanent placement and not be extending it beyond where it is open ended.

Boardmember Schroeder concurred and noted from reading what the City received from Prince of Peace this was always intended to be a temporary spot for Valerie and the church was working on finding a more permanent spot. Hopefully if there is enough time it will allow for that to happen. She would not want to displace someone but on the other hand they want to make sure that the church works with the City and staff and become partners and work on a solution for this. She agreed that within sixty days the City should probably know where things are at, and she would think if there were some unusual circumstances that it could come back with the information and a request for additional time.

Mr. Trudgeon stated if staff were given direction at the meeting tonight, the item could come back after that set time to discuss solutions and then decide what the next step is and scenarios could play out from there. If more time is needed, it could be decided then.

City Attorney Tierney indicated she was comfortable with that idea and suggested the Board put some parameters on their expectations of where this is in sixty days for all involved.

The Board discussed the timeline with staff.

Mr. Michael Stetzler explained at the beginning of his prepared remarks, he asked the Board to think outside the box a little bit and what he is hearing is thinking inside the box. He stated the box is that these could be viewed as RV units, as in fact they are, which would exempt them in some ways from the Code as sited by City staff. Staff has already mentioned that in one of their recommendations. It is kind of selective enforcement, given that the City has ignored an RV parked on the church property for a long time without citing any Code compliance, and that is what this is. The church agrees that there may be good reasons to enforce Code, safety, public health, public welfare reasons. However, the church sees no reason why, if the City of St. Paul and other jurisdictions around the Country can accept these units as living dwelling units, that the City cannot consider that as well. Therefore, the church is not really comfortable at all with some limit of time after which the City says these are not fit for dwelling because the fact is they are and the City is not considering them as RVs because the current Zoning does not allow for RVs. On the other hand, RVs are parked in residential yards all over the place and sometimes people live in those without having any Code compliance brought upon them so it is a bit of selective enforcements. He stated whatever consideration the City takes here, please understand that classifying those as not fit for dwelling is not an acceptable outcome in the view of Prince of Peace or him personally as a representative of Prince of Peace.

Mr. Evan Bergquist, representing Prince of Peace Church, explained he has had the privilege of working with a couple other religious land use matters in the City of St. Paul. He got involved with this client a couple of months ago and in the short amount of time since they got the February 1st letter from City staff, they have looked at this pretty carefully and disagree respectfully with the way that the Chair and some other Board members framed up the issue tonight. The issue, in their view, is not whether these tiny homes meet all of the Codes and regulations in the City of Roseville. The issue is whether it was the right thing to do for the City to apply these regulations to this particular Church. What the reason was for it and whether there is a lawful basis to bring these Code enforcement problems down on the church and tell them that they have to move them, because as far as he is aware, he has not heard anything tonight about anyone complaining about these two tiny home units. There was no need, really, to make this a dispute about whether the Code and regulations are being correctly interpreted by staff and respectfully, they thought the right thing for the City Council to do is to do nothing. He felt this does not need to be regulated at all and under the Religious Land Use and Institutionalized Person Act and under the First Amendment, if they want to regulate it the City needs to have a good reason to do it and the regulations have to be narrowly tailored to accommodate the church's religious exercise. That is a serious obligation that he has not heard much of from the Board tonight. They want it to be very clear that they understand those are the church's rights and in sixty days if the City tells the church that they have to move these, that is not something that the church is nearly prepared to concede tonight. He doubted the church will be able to concede that in sixty days.

Chair Roe thanked the church and representative for their comments. He noted that the Federal Law was not brought up other than in the written materials provided as a part of the case, but he wanted to check with the City Attorney, in a broad sense, where the City stands in regard to that Federal Statute. He believed the City was applying the Code evenly and fairly and not in a discriminatory manner towards religious institutions.

City Attorney Tierney explained the Religious Land Use and Institutional-ized Persons Act also known as RLUIPA, always applies when a Government is taking action involving land use against a church. It has to be in their minds when they are looking at any regulation of land use that applies to a church certainly applies here. What is not before the City Council is some sort of a land use application that the Council has been able to interpret and apply different facts to. The church put this on the property without making any land use applications. The church did not give the City the tool that is needed in order to look at this factually and determine whether this could be allowed under certain conditions. The homes were just put there without the City's knowledge. There is always a risk of the church choosing to file a lawsuit over religious land use. That could happen and the City will deal with that if it happens. Based on the facts and what is in front of the City Council, she was comfortable with what the Board is considering.

Chair Roe asked where the Board was at in terms of proceeding with this because ultimately based on their decisions this evening, with respect to the particular appeal, the enforcement is that once again the non-compliant units can no longer be used as housing either at some point in the near future or at some point further from there depending on what the Board ultimately directs staff this evening in terms of enforcement.

Board member Strahan indicated if indeed this group has no interest and has no plans to work with the City and remove the homes, if the City gives them a sixty day grace period where the City stays enforcement, she was not certain why the City would not move toward a ten day removal if the church does not plan to work with the City. She also wondered why the church continues to be able to rebut because this is generally not an ongoing conversation.

Chair Roe noted the City had an opportunity to hear from folks so he thought that the next steps would be offline conversations, depending on what the Board determines this evening. The Board just needs to provide some direction that has been asked for from staff in terms of how to deal with enforcement of the action of the Board this evening. The Board is attempting to do that and did ask for some insight from the church, which he appreciated. As to some of the things he asked about, in terms of the church's own internal processes and figuring things out where the church wants to be and what the church wants to be doing as a congregation, he asked if there was any more information in that regard as to where the church is in their process and how that might fit into what is being discussed.

Mr. Michael Stetzler explained this is a complex issue. Prince of Peace has been looking at this issue for a while, as the City knows. The church has been looking at affordable housing for families with children, which is pointed out by the school district and others that this is a need. When this first came up, their concern was that the people who had been working on the problem of homelessness understood and supported what the church was doing with the tiny homes. But those people had a caveat too that they did not want to commit to it at the exclusion of looking at other things the church could do for homeless folks. They would like to consider how this kind of model of smaller units could be used to house families with children. The planning process, and they work as much as they can on a congregational consensus model, so it takes time to build that sort of thing. They have a lot of other things going on too within their church. Their next congregational meeting is scheduled for June 30th or thereabouts and anything that they decide needs congregational approval would have to come before them at that meeting. It will take a lot of work to prepare that in advance. Their timeline. realistically, for making a decision on where they want to apply their resources is toward the fall, before it gets cold again, to either meet the call to try to do something permanently with these tiny homes or to find some other solution that also provides a Community First model for Valerie. The church would respectfully ask, if the City wants to stay this or engage in a planning process that goes beyond a certain timeframe, to put it either on a fixed date sometime in the fall or better yet, conditionally upon achieving certain milestones in the planning process together with the City.

Board member Groff did not think the City could wait until the fall and that the issue needed to be addressed. He would like to see a sixty day time period and work with the church and congregation on what could be done during that time, get a report back from City staff, and then finalize their decision at that time with that information.

The Board reviewed RV regulations and Code enforcement in the City with staff, noting that the City does not prohibit RV parking in the Walmart lot

or elsewhere on private property, other than regulations about parking on improved surfaces and others in the nuisance code.

Board member Schroeder explained after the last set of comments, the Board has heard from Prince of Peace where they are not interested in looking at a solution in the sixty or ninety day's timeframe. She was thinking the reason for giving more time here is to allow the church to be able to find more permanent housing for Valerie and others. She thought that was the piece the City was trying to solve with giving more time. What she heard is that the church is not trying to make this more permanent in the next sixty or ninety days. The only issue she saw at this time was giving more time to work on something more permanent. In her view, after sixty days, this issue is done and she did not think staff needed to come back with information and solutions because there would not be any solution at that point.

Etten moved, Strahan seconded, to direct enforcement in sixty days with the City providing housing options to Ms. Roy and the other family on the property either through the City's Housing Coordinator or other services and directed staff to continue to work with Prince of Peace or others to assist if there is ongoing interest in a more permanent tiny home or other settlement that would meet City Codes.

#### Roll Call

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

Nays: None

# a.ii. Adjourn Board of Appeals & Reconvene as the City Council

#### Recess

Mayor Roe recessed the meeting at approximately 7:42 p.m., and reconvened at approximately 7:52 p.m.

## b. Receive Quarterly Equity Update

Equity and Inclusion Manager Thomas Brooks briefly highlighted this item as detailed in the Request For Council Action and related attachments dated March 6, 2023.

Councilmember Etten thanked Mr. Brooks for all the ongoing work and presentation. He hoped staff looked for ways of constructive training that works well for staff. He had a question about the review of the proclamations, which he did not think was too long ago, that all of the proclamations were reviewed by the Human Rights, Inclusion, and Engagement Commission (HRIEC) so he wondered where that fits with the new review.

Assistant City Manager Rebecca Olson reviewed the timeline of the HRIEC proclamation review. When it was last reviewed, the HRIEC suggested the proclamations be reviewed every three years with the Council's discretion.

Mayor Roe thought it was worthwhile to look at the proclamations every once in a while for possible wording changes and other changes.

Councilmember Groff thanked staff for all of the hard work and the update. He thought it was important to have a timeline and he also liked the display cases and all the work done on those as well.

Councilmember Strahan appreciated the Racial Equity Impact Studies, she does notice when they are not there and if a specific item does not have it. She also liked the display cases and the opportunity for these to be a great tool for the City.

Councilmember Schroeder thanked Mr. Brooks for the update and she stated she especially enjoys the data piece of this to really help the Council to understand. She stated her one comment on the Racial Equity Impact on the Request for Council Action forms (RCA), is that she would like to see it expand and include a disability piece as well.

Mayor Roe appreciated, through this whole process, how it is indicative that the City recognizes and acknowledges where an initial thought maybe did not work the way the City thought it would and direction changed with ways to improve the information and processes.

## c. Receive 2022 Workforce Report

Equity and Inclusion Manager Thomas Brooks briefly highlighted this item as detailed in the Request For Council Action and related attachments dated March 6, 2023.

Councilmember Schroeder thanked Mr. Brooks for all the great information. She wondered, regarding the applied compared to hired, if it applied was the eligible people. She asked if the person applied met the minimum eligible requirements for the job.

Mr. Brooks explained it is just applied.

Councilmember Schroeder noted then the person may not be eligible because they have not met the requirements of the job but are still in the data.

Mr. Brooks explained the system allows them to, if used correctly, track various phases throughout the interview process. From application to referred, meaning that the person made it through the minimum qualifications, which most applicants do and so on. There is still some work to be done internally to make sure they are using

the software staff uses to its fullest capacity in order to have the data and staff does have some ways now that staff can look to specifically look at referred. He noted the original version of this report had referred in it but he did not know if it was the most reliable data. For clarification, what the Council sees in the report on the slide in particular was all applicants that applied to the very opposite end of the spectrum to those that were hired.

Councilmember Schroeder asked then if being eligible would be a different category.

Mr. Brooks indicated that was correct.

Councilmember Schroeder thought that might be an interesting piece to put in this report too, to see if the City is getting a lot of people applying but are not eligible, how does the City communicate up front, so people know what to have because the City still wants the applicant to have a good experience.

Councilmember Groff thought this was great and mentioned he went to the Race and Equity program sponsored by the League of Minnesota Cities. It was interesting but he thought most of the staff had already gone through it and a review. What he found interesting was so many people throughout Minnesota were there and asking what Roseville was doing because those cities have not gotten to this level. He noted there is still lots to do but he felt the City is getting somewhere and getting things done.

Mayor Roe thanked Mr. Brooks for the presentations and looked forward to future updates.

# d. Consider Ordinances Amending Titles 8 and 10 of the City Code Regarding Shoreland, Wetland, Stormwater, and Sustainability Regulations

Community Development Director Janice Gundlach and Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request For Council Action and related attachments dated March 6, 2023.

Mr. Freihammer introduced Ms. Jennifer Lowry, Assistant Public Works Director/City Engineer to the City Council.

Mayor Roe clarified the biggest impact for the thousand foot and three hundred foot properties is that the twenty-five percent impervious requirement applies where it did not before. But in the pink areas on the map (between 300 feet and 1000 feet), the thousand foot is not being required to meet the more strict requirements about land disturbance and permits related to that.

Mr. Freihammer indicated that was correct. It will not trigger additional erosion control permits.

Councilmember Etten indicated on page 4 of Attachment A of the RCA, line 93 and 108 each start at slightly different parts, 1004.09.C.2 versus 1004.10.C.2, but have the exact same language about the twenty-five percent impervious surface. But when he goes to page 15, lines 425-427, it states "Impervious Surface Coverage: Lot development shall meet the impervious surface requirements of the underlying zoning district", which would suggest to be different than from the overlay district.

Ms. Gundlach asked if Councilmember Etten was referencing lines from Attachment A Ordinance, the Shoreland Overlay Ordinance.

Councilmember Etten indicated he was. He explained the first one he referenced was agreeing with the staff presentation. He was fine with these being the same but it brings up the coverage of twenty-five percent impervious in the overlay. The information on page 15 of Attachment A indicates impervious surface coverage will be for the underlying zoning district and the stormwater management requirements of this code. That is where he was confused because underlying would maybe go back to thirty percent or whatever.

Ms. Gundlach thought there may have been a disconnect when Councilmember Etten and she were working together because the idea, the intent, is that when the City goes to the new model Shoreland Ordinance, the City is wrapping in all one thousand foot properties and they cannot exceed twenty-five percent impervious surface. There might be property outside the shoreland overlay district where the requirements in Title 8 apply at which properties may be allowed to be at thirty percent.

Mayor Roe indicated this is not Title 8, this is all within the shoreland. He thought page 4 items were referencing things in the Code that are not included in the modification. He thought also the twenty-five percent is only applying to the portion of the lot that is within so many feet and not applying to the other. He thought the language referred on page 15 was the language that says outside of those areas the underlying zoning requirement for impervious still applies.

Councilmember Etten thought most of Attachment A in this section is around defining things in that shoreland area. He had some concerns in the fully built-up City about the one thousand feet and the impact it is going to have.

Mayor Roe thought that the twenty-five percent only comes into effect if there is some significant modification made to the property. He noted that only some affected properties are higher than twenty-five percent now and as long as nothing is changed, is allowed to continue as a non-conforming use.

Ms. Gundlach indicated that was correct.

Mr. Freihammer explained that on existing properties, the way it was handled in the past was if an addition was added then something else would be removed. So there was a trade off of one for another but there cannot be any expansion. The owner could swap impervious.

Councilmember Etten thought this was going to lock a lot of properties with this change.

Mayor Roe thought it made sense that if there cannot be a swap made, then the property cannot be added on to.

Ms. Gundlach explained this was the single biggest issue that the Planning Commission talked about in moving to the model ordinance. This is the most impactful change that people will have to deal with. The Planning Commission talked with staff at their meeting and the variance option is always available to somebody if they want to exceed the twenty-five percent requirement. If the owner is far outside the lake and exceeding that requirement and it is not impactful to the lake, there are some practical difficulties that can be utilized to try and achieve a variance approval to exceed twenty-five percent. The unfortunate part is the DNR has statutory authority over the City's shoreland ordinance and the City cannot pick and choose what requirements to adopt without going through the DNR process. Staff questions the DNR on whether or not the DNR would hold the City to the twenty-five percent and the DNR said the City would have to apply the twenty-five percent and would not allow the City to go to thirty percent, even though the DNR would allow the City to make changes to other requirements to align with the City's underlying zoning district but not the twenty-five percent impervious surface limitation. The City does not have to do this. The City does not have to adopt the current model ordinance.

Councilmember Etten asked Ms. Gundlach if she could speak to the variance options.

Ms. Gundlach reviewed the options with the City Council.

Councilmember Etten explained he would love some part of the City's variance procedure to outline how the City could meet the spirit of this but allow something over twenty-five percent.

Ms. Gundlach indicated you still can; the variance process will allow the ability to look at every single case specific to the character of six of that case and make it a determination on what requirements the City wants to impose to exceed twenty-five percent. But again, the DNR does get to weigh in on that. Her gut is telling her that based on how the DNR works, the DNR will not give them more than twenty-five percent on the wholesale model adoption ordinance. But on the specific case

by case variance request, the DNR is going to be much more workable with the City, especially if the City is dealing in a situation where staff asked the DNR to treat the additional hard surface above the twenty-five percent. Then she did not think the DNR would say anything.

Mayor Roe indicated he did talk to Ms. Gundlach offline about the tree requirement for multi-family. The language states "Multi-family residential dwellings shall require 1 canopy and 1 evergreen tree per two thousand (2,000) square feet of open area." Open area in the Code is not really defined anywhere. He thought for the benefit of future generations of staff and City Council, it might be helpful that the language is a little more clear. He suggested a parenthetical definition of what open area is to be inserted at that point.

Ms. Gundlach thought it was discussed to insert language at line 838 to read "areas not covered by structures", after open area.

The Council indicated that made sense.

Councilmember Etten explained he talked with Ms. Gundlach about some language changes on Attachment A, page 30, to clarify what was going to qualify for that, add in for the five percent cap for EV additions and then there was the question about line 865 referring to "all new".

Ms. Gundlach explained staff has looked at that and she was going to start with the five percent. Lines 875 to 880 are the requirements that are talked about. This is the exemptions where providing the electrical vehicle charging exceeds five percent of the total project costs an exemption can be asked for or a reduction. She believed Councilmember Etten's concern was it is what is included in the five percent, not just providing the charging equipment but for meeting the readiness requirement. which is providing the power source but not the charging equipment. The intent of the ordinance was that the five percent of the total project costs was both the charging equipment and the power for the ready stalls. She believed Councilmember Etten was correct, the way lines 875-880 are worded, it maybe is not entirely true to say that. Staff thought it could be reworded to say "when the costs of meeting the requirements of this section would exceed five percent of the total project costs the property owner/applicant may request a reduction in the requirements and submit cost estimates for City consideration. When City Council approval of a project is not required, the Community Development Department may administratively approve a reduction to the requirement in order to limit the installation costs to not more than five percent." Right now the language uses the EVCS and that is only really referring to the charging equipment. The use of that acronym can be eliminated and just refer to it as requirements and she thought that would cover everything.

Councilmember Etten thought that would work and help a lot.

Ms. Gundlach indicated she was not one hundred percent certain that staff needs to make any changes to address the other item Councilmember Etten brought up regarding line 865 "all new and expanded parking areas". For multifamily residential land uses, five percent of those spaces have to be provided for new construction to be EV ready. Then the requirement 865 to 868 is an additional ten percent have to be EV ready. Five percent has to actually have charging spaces and an additional ten percent has to have EV ready but for expansion, only twenty-five percent of those need to be EV ready. She reviewed some calculations with the City Council to give an example. She noted it is really complicated when it applies to expanded or approved areas as opposed to new.

Councilmember Etten thought the wording needed to be reworded because the way it is written he would think it would be five percent of the entire parking spaces.

Mayor Roe suggested it could state "these requirements only apply to the new or expanded spaces."

Mayor Roe summarized council direction to be that staff should work on additional language for what was discussed and bring back for discussion to a future Council meeting.

# e. Consider Approving a Letter of Support for NYFS Request for Federal Funding

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 6, 2023.

Schroeder moved, Etten seconded, approving a letter of support for NYFS request for Federal funding.

#### Roll Call

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

Nays: None

f. Discuss Appointment or Reappointment Process for the March 13<sup>th</sup> City Council Meeting and Consider Recruitment Period for Applicants for the Finance Commission, Human Rights Inclusion and Engagement Commission City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 6, 2023.

The Council discussed with staff how the interview session and appointments would go and what would happen with the Finance Commission and HRIEC appointments in March if there are not enough people to interview.

Mr. Trudgeon thought the Council should first consider the new

appointments and make the decision on the reappointments after the reappointment decision.

## 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 February 13, 2023 City Council Meeting Minutes

Schroeder moved, Groff seconded, approval of the February 13, 2023 City Council Meeting Minutes as presented.

#### **Roll Call**

Ayes: Strahan, 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 March 6, 2023 and related attachments.

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

### Roll Call

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

Nays: None.

a. Approve Payments

ACH Payments 106015-106052	\$120,206.15 151,538.54
TOTAL	\$271,744.69

- b. Approve 1 Temporary Liquor License, and 1 Tetrahydrocannabinol (THC) License
- c. Approve General Purchases or Sale of Surplus Items Exceeding \$10,000
- d. Authorize Planning and Design Services for New Park at 2381 Co. Road B. W.
- e. Approve Entering into a Memorandum of Agreement with Metro-INET Joint Powers Authority to Provide Internet Services to the Ramsey County Library System on Behalf of the City of Roseville.
- f. Approve Long Lake Lift Station Easement Agreements
- g. Award Contract for DEI Training
- h. Approve Ramsey County Home-ARPA Grant Agreement. Resolution No. 11972

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

City Manager Patrick Trudgeon reviewed the March 7, 2023 and March 8, 2023 City Council meeting, interviewing Commission applicants, March 13, 2023 EDA and City Council meetings and the March 20, 2023 City Council meeting.

Councilmember Groff reported on the Rice Creek Watershed District presentation he attended.

## 12. Adjourn

Strahan moved, Schroeder seconded, adjournment of the meeting at approximately 9:41 p.m.

### Roll Call

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

Nays: None.

Daniel J. Roe, Mayor

ATTEST:

Patrick J. Trudgeon, City Manager