

## Regular City Council Meeting Minutes City Hall Council Chambers, 2660 Civic Center Drive Monday, April 24, 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

Councilmember Schroeder requested removal of Item 10b (Approve St. Paul Regional Water System (SPRWS) Contract Amendment No. 3) from the Consent Agenda for separate consideration.

Etten 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. No one appeared to speak.

## 5. Recognitions, Donations, and Communications

## a. Proclaim Asian American and Pacific Islander Heritage Month

Mayor Roe read the Asian American and Pacific Islander Heritage Month Proclamation.

Strahan moved, Etten seconded, proclaiming May 2023 Asian American and Pacific Islander Heritage Month.

#### Roll Call

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

Nays: None.

## b. Proclaim Mental Awareness Month

Mayor Roe read the Mental Awareness Month Proclamation.

Groff moved, Schroeder seconded, proclaiming May Mental Awareness Month.

#### Roll Call

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

Nays: None.

## c. Proclaim Older Adults Month

Mayor Roe read the Older Adults Month Proclamation.

Etten moved, Schroeder seconded, proclaiming May Older Adults Month.

#### Roll Call

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

Nays: None.

## d. Proclaim Poppy Days

Mayor Roe read the Poppy Days Proclamation.

Schroeder moved, Groff seconded, proclaiming May 19, 20 and 21, 2023 Poppy Days.

### **Roll Call**

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

Nays: None.

## e. Recognize Out-Going City Commissioners

Assistant City Manager Rebecca Olson introduced the out-going City Commissioners.

Mayor Roe and the City Council recognized out-going City Commissioners:

Finance Commission: John Murray and Sandra Klein-Hegge

Human Rights, Inclusion & Engagement Commission: Keith Allen, Etienne Djevi,

Paul Haas, David Sindiga

Parks & Recreation Commission: Greg Hoag and Michelle Lenhart

Planning Commission: Julie Kimble and Emily Leutgeb

Public Works, Environment and Transportation Commission:

Nancy Misra and Shane Spencer

Mayor Roe presented Parks & Recreation previous Commissioner and Chair, Greg Hoag, with a certificate of service.

## 6. Items Removed from Consent Agenda

a. Approve St. Paul Regional Water System (SPRWS) Contract Amendment No. At the request of Mayor Roe, City Manager Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated April 24, 2023.

Councilmember Schroeder indicated she wanted this item considered separately because she wanted to make some comments. She knew that buying the City's water from the City of St. Paul is the only option but she did want to point out that St. Paul's rate on the base cost is going up fifty percent in the next five years. It is based mainly on St. Paul having some capital expenses that are coming and unlike Roseville, who tends to put money away in the Capital Fund to pay for these things over time, it appears that St. Paul did not do that. So the rates have to be raised more dramatically in a shorter period of time. She wanted to make sure that the residents are aware that it is because of that reason the residents' water bills have been going up and not so much what Roseville has been doing. Not only is the base cost going up but the water usage or the volume is also going up forty percent and again, that is because of the City of St. Paul. She explained the cost is going up steeply in the next five years, and it is because of the capital piece that St. Paul is looking for.

Mayor Roe noted this is not necessarily a surprise to City leaders and officials. The water utility was before the Council approximately a year and half to two years ago, introducing the council to the project that St. Paul Regional Water was looking to undertake at their facility. It is an important upgrade in terms of the ability to keep the water clean and safe for everyone to drink. He explained the City of St. Paul is financing the project through bonds, and it is the cost to pay back the bonds that is the primary contributor to the change in rates.

## **Public Comment**

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

Groff moved, Strahan seconded, adoption of Resolution No. 11978 entitled, "Resolution Approving Amendment No. 3 to Contract for Water Services Between the Board of Water Commissioners of the City of St. Paul and City of Roseville, Minnesota."

#### Roll Call

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

Nays: None.

## 7. Business Items

a. Convene as the Board of Appeals

a.i. Consider an Extension of the May 5, 2023, Compliance Date for Removal of Two "Micro-Units" at 2555 Victoria Street N
City Manager Patrick Trudgeon briefly highlighted this item as detailed in

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated April 24, 2023.

Chair Roe clarified the interim use conditions in the Resolution with staff.

Mr. Trudgeon explained from the staff's perspective, they did not feel that the interim use process can be supported if there is no State Law change. If there is a State Law change, then discussion can begin about the terms of the interim use based on the criteria. If the law did not pass, he thought staff has to look at that a little bit differently, given there is no ability for them to deviate from State Law, State Building Code, and City Code without lots of changes into their Code, as well as the State Building Code. If all of the conditions are not met, then the stay would end, and enforcement would begin.

Boardmember Strahan asked who the open house is for and who will be advertised in that because clearly, where that is, there are no other homes directly within the five-hundred-foot radius.

Mr. Trudgeon explained as a part of the interim use process, it is required under the Code for the proposer to hold an open house. He reviewed the open house protocols the City takes to communicate to surrounding residents.

Boardmember Strahan asked if people outside of that area were welcome to attend and have a voice involved with that.

Mr. Trudgeon indicated anyone can attend the open house.

Boardmember Etten explained in the proposed Legislation, there are a number of Building Code and Safety pieces to that. He wondered if staff could report on what is in place, just based on what the units are right now and what needs to still be done. He noted it is really under the proposed Legislation, Subdivision 4.

Mr. Trudgeon stated his understanding that not much of anything proposed in the legislation has been met currently as of today. He would say there is a provision for water and kitchen facilities that can be on adjacent properties, which is listed in Legislation, and what has been used to date in the current situation. But as far as anchoring, meeting certification for electrical and insulation and all of those things, that has not occurred. As noted in the submittal requirements, Prince of Peace, are working on a schedule and will submit it by June 2, 2023 as a part of their Interim Use on their schedule to get those improvements made. He also knew there have been ongoing conversations as recently as today with Settled and Contractors with the City's Building Official and Community Development Director about attempting to meet those standards and those conversations are ongoing.

Boardmember Etten asked if the insulation and wall structures are not for sure right now.

Mr. Trudgeon indicated he was not sure staff understands what is there because it has not been inspected and something staff would need to verify throughout the process.

City Building Official Dave Englund explained the City has not received anything specific to the construction of these units. Staff is waiting to see if these are in line with the proposed Legislation, if those standards have been met, and staff has been told that it would be coming.

Boardmember Groff asked if the way this is written those requirements would have to be met before the Interim Use would be approved.

Mr. Englund indicated that was correct.

Boardmember Strahan explained in the definition of a Sacred Community, it indicates providing permanent housing for chronically homeless persons and the last time they spoke there was uncertainty on the part of the church that this was a permanent situation. The church was still looking at this as temporary and had not decided so that is definitely an area of concern. She wondered if staff has heard anything to the contrary or if these conditions were met, would that constitute what is deemed a permanent structure.

Mr. Trudgeon explained it could potentially be considered permanent if the State Law passed. It is currently not considered permanent until the law has passed and up until then, it does not meet the Code requirements for permanency for residents.

Boardmember Etten asked if there was any clarity from the public safety folks about meeting the access requirements for emergency vehicles.

Mr. Trudgeon explained the Fire Department and Police Department are aware of the units and he has not heard any concerns expressed but that is something that would be looked at very thoroughly as a part of the Interim Use process.

Boardmember Strahan asked where the RV that is located on the church property but has not been mentioned in any of this, fall into any of this, as far as permanent housing, semi-permanent housing. She also asked where the City stands because at the time when this was last reviewed, the RV was seen as a couple day use. But it has been months now and continues to be there. She wondered if that is figuring into the greater evaluation of the housing on this lot.

Mr. Trudgeon thought that was a separate matter.

Chair Roe recalled from past discussion that the City does not necessarily regulate the private parking of RVs on property.

Mr. Englund indicated that was correct, not on commercial property.

Mr. Michael Stetzler, Prince of Peace Congregational President and Mr. Steve Smith, member of the Prince of Peace congregation and Chair of Campus Planning Task Force, addressed the Board about the proposed Interim Use extension.

Chair Roe asked if there was any urgency in moving forward with providing some sort of emergency toilet facility in the units if the access to the church is not fast enough.

Mr. Stetzler explained there are discussions and plans under way to come up with options, as described in State Legislation, to provide a drier compostable toilet in the facilities. There is no plan to plumb these at the present time, it is not required in State Law, and access to the plumbing inside the church building is quite sufficient now, according to the residents.

## **Public Comment**

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

Groff moved, Roe seconded, adoption of Resolution No. 11977 entitled, "Resolution documenting the conditions recommended by staff related to approving the extension."

# **Council Discussion**

Boardmember Groff thanked staff, the congregation, and their leadership for working together on finding something that will go forward. He thought moving forward as described in the information is the right way to go. He also thought the stipulations would help everyone in this case.

Boardmember Strahan indicated she supported the adjustments made knowing that the State is moving forward but she wanted to make sure that the parameters set forward are fulfilled. She was concerned about making sure that the City especially look into the water and such since some of the reports the City originally had were that the folks were using kitty litter in their units. Whether or not that was true, she wanted to make sure they are providing a location that is humane for people as well. She thought as long

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as they follow the timeline and if by chance the State does not move forward, the City can address that then.

Boardmember Etten indicated he did have some concerns with the motion and was not sure how to vote yet, but the Board is being asked to essentially reverse its decision from six weeks ago. Clearly, the biggest thing that has changed is the State has moved forward with legislation and it looks like it may pass, which would change the game, is very important, and a part of his decision making. The proposed legislation would allow something similar to but not exactly what is happening there. At this point, the City Council has no more conclusive changes or improvements to the conditions of the people living in those units. Inspections and upgrades have not been done. It is all proposed and is going to happen in the future. For him, his hesitancy is that the City does not have anything to hold onto right now. He has real concerns about the safety and the health of the folks living in those units and is allowing them to continue without any of those changes in any definitive time frame, suggested time frames but nothing firm. He was concerned that was an important concern for the City Council to have. It should be noted that the resident was offered permanent housing that meets current Code and chose to not take that housing twice. He thought that was another important piece because this is not putting someone out on the street. This is someone who has been offered safe. affordable housing and has chosen a different path so the City has to think about that.

Boardmember Schroeder explained she does have some concerns as well when it comes to what has been done, noting that since this came before the City previously, it seems like the timeline is a little longer than she is comfortable with. She noted some things that could have been worked on a little more rigorously since the last time the Board met, which was a little concerning to her. She thought Boardmember Etten made a good point, the City did offer housing twice. She thought if the person would have taken that it would have solved the problem because then there is not someone living there and it would have bought more time because there would be no one living there. She had concern as to whether the existing housing units met the insurance requirements in the proposed State law because not having insurance was a great risk to those involved. She was also very aware of the Legislation coming down from the State and their outlines so to her, that was the piece that could be a game changer but that will not become a law until 2024 so there are a lot of things that need to be done long before that becomes law. She was glad staff put the conditions in there and felt those conditions were good.

Chair Roe explained he did not disagree with concerns of the Boardmembers and agreed with some of them. He thought in practical

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> terms, if there is an Interim Use approved, that approval would apparently be by the end of the stay of enforcement, which would be July 30<sup>th</sup>, and provide for five months of the Interim Use being in effect before the law goes into effect. He thought that helped in terms of some concerns that have been raised. He supposed as a condition of extending the enforcement, the Board could decide to include a condition for time frame on other things but he was not sure completely how that might work and what kind of authority the City would have to do that so he would defer to the City Attorney if the Board wanted to look into that. He did believe that the State Law was the game changer in this because it is actually doing something that cities do not like the State to do, which is to actually supersede local control over these types of issues. Given the fact that there is a State Law under consideration and that the City has some processes in place that can ultimately put some of these requirements into place for people, it gives him more hope in terms of supporting this. He completely understood the notion that there would be a lot less pressure on the process if the homes were not occupied and that was a part of the objective of the approach the Board took at the last meeting. Circumstances do change and understanding of the ground around them certainly can become clearer and is part of his change in thinking towards supporting the Resolution.

Mr. Stetzler explained the units and the residents have been fully insured since the inception of the project. Prince of Peace carried the insurance before anyone moved in. Secondly, with respect to offering other housing, he explained this approach to homelessness is based on community first or full community. It is not just a house, it is a full community and what the City is asking them to do is too sever the familial relationship, at this point, relationships that make this work. That is why Prince of Peace is so adamant about this being a faith-based project. The church provides community. Another house, someplace in St. Paul is not that community.

Boardmember Groff thought the Board and City needed to remember that just because something is offered, people have a choice. He thought that as a governing body to just say the person was offered something and should have taken it, is not giving the person the correct respect in this situation.

Chair Roe thought the thing everyone is concerned about is the quality of life of individuals that are being provided housing, whether it is in Roseville or anywhere else. He did know that some of the offerings that may be out there for temporary shelter or others may not be as desirable and may not have the same kind of support built in. The City has to weigh that against the issues of safety, health, and those things for the residents because the City does not want to be in the position of supporting something that is not adequate in addressing people's needs. He thought it was fair to say that in the interim period- between today and any approval

of an Interim Use for the site, the City is not going to be completely satisfied in that regard. If the Board goes ahead with this motion, he thought that should be acknowledged. The ultimate goal is once again to have completely safe, completely healthy, and completely dignified and appropriate housing for every individual.

Boardmember Etten acknowledged everything Chair Roe said and indicated he understands there are different forms of housing and they want to make sure to be respectful of that. He appreciated the concept behind the Sacred Settlement and creating a broader home community, addressing health and safety are other things. He did not want to push anyone's timeline yet there is a health and safety issue right now and that is his concern, as a governing body that the City does have to balance these things. He noted that sometimes, the City has to do one thing to make sure everyone is safe until the other processes go through.

Boardmember Schroeder appreciated the applicant answering her questions regarding insurance and she absolutely understood the value of community. That is the thing to have to help people, no matter what the issues are, mental health, homelessness, whatever, so the community piece is very important. She explained the City is trying to balance with the zoning regulations that have been put in their charge to enforce. She thought it was good that staff are collaborating with the applicant to ensure that things move forward. She also thought, for herself, once the church gets to its process of deciding if this is the route Prince of Peace wants to take, that will make things much cleaner and easier moving forward.

## **Roll Call**

Ayes: Strahan, Schroeder, Groff, and Roe.

Nays: Etten

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

#### Recess

Mayor Roe recessed the meeting at approximately 7:03 p.m., and reconvened at approximately 7:08 p.m.

# b. Review and Consider an Ordinance Amending City Code Chapter 309: Massage Therapy

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated April 24, 2023.

Mayor Roe thought it was important to note the City has general transfer language for all licenses in the City Code already. He indicated that to him, the provisions for transfer that might be specific to particular licenses is if there are provisions beyond what is just the general requirements in the General Transfer section.

Councilmember Schroeder indicated under 309.6, it talks about the valid photo and then specifically it states, "police officer". She wondered if it should say "police officer or City staff". She asked if it would be possible there might be someone other than a police officer going in and asking for the information.

Mr. Trudgeon explained that was not a bad suggestion; staff was just replicating the existing language. He thought "or other representative of the City", might be a better term to use instead of "City staff", if the Council wanted to cover everything.

Councilmember Schroeder stated all of the amendments made by staff made sense to her.

Councilmember Etten explained in 309.6A, "on the premises at which therapist is employed", is talking about where this license needs to be put and it was brought up by public comment as well as his thoughts on this, that posted could be considered a public place. But, he wondered if the following language could be added on line 235 "...in public view on the premises at which the therapist is employed".

Councilmember Strahan indicated she had a question about the 8 a.m. start time and if there was something specifically that made the start time 8 a.m. because some doctors office open at 7 a.m.

Mr. Trudgeon explained there is no reason for the time other than replicating what was in the Code before and the restrictions. The same span of hours were kept. He thought maybe 8 a.m. is more office hours but understood her point about the medical situation.

Councilmember Strahan asked if staff has found any more information about where the State is related to massage therapist licensing.

Mr. Trudgeon explained he did not check today but last week, there still was not a committee hearing scheduled. He thought it is probably not going to be put in the Omnibus bill. He was tracking the Omnibus bill and did not see it in there either so right now, staff did not expect it to pass in this session.

Mayor Roe explained another item brought up by the public comment was the six hundred hours training and whether that needed to be at a single institution so the Council may want to think about that to discuss.

# **Public Comment**

Mayor Roe offered an opportunity for public comment.

## Mr. SchaOn Blodgett, South McCarrons Boulevard

Mr. Blodgett explained he has a private practice in Little Canada. He has been in this industry for over fourteen years and has over two decades of education in this field. He is currently the chair of the advisory board for the Integrative Health and Healing Degree Program at Anoka Ramsey Community College and he has also taught Natural Health classes at Normandale College, been on the Editorial Board for Yoga Magazine and a columnist for Natural Awakenings Twin Cities. He stated the following opinion are his personal opinions and he is not representing any organization. He noted he sent an email, and noted it was important that some things that could fall under massage, detailed in his email, might be First Amendment Right violations as there are many spiritual, cultural, and religious practices not being acknowledged or allowed so far under the City Code without having an artisan license. Some other issues with the proposed law changes in 309.03 does not allow for naturopathic doctors, which are registered, not licensed, in the State of Minnesota or traditional naturopaths to utilize massage techniques even though this is completely within their scope of practice. Under 309.06b, the City requiring a massage therapist to produce a photo ID upon demand by a police officer, yet, two things, would that not be a violation of the Fourth Amendment unless the officer has a reasonable suspicion of a crime. Next, it is very common knowledge that minorities are told over and over again and coached not to show an ID to an officer.

Mr. Blodgett asked why the City is even burdening the Roseville Police Department with enforcing this when massage therapy is already regulated under Minnesota Statute 146a. That law actually offers more consumer protections than the current or proposed Roseville law. In the State Regulation, practitioners must provide a client bill of rights, detailing educational background, giving more credibility than any license would and how to report complaints to the Minnesota Department of Health. The State Law already outlines personal interactions in that clients have the right to expect courteous treatment free from verbal, physical or sexual abuse. He asked if it was fiscally responsible for the City to be burdened with the expense of this when it already has that provided on the State side. The City Code is meant to have a strict enforcement of massage yet does not actually meet that objection. Some things that could be added are things that Minneapolis has done on the business licensure sign. Things like requiring a site plan, a business plan, bank records with explanation of source of funds, tax records, information on each partner in the business, samples of advertising materials and more. Those are things that are used to detect possible issues of human trafficking and prostitution, not included in the Roseville City Code. Additionally, Minneapolis does not place any unneeded burdens on the therapists and on 146a to regulate the therapist's side as it likely does not meet the criteria of regulation of Minnesota Statute 214.001 subdivision 2, paragraph one and three and hence likely why it has not been licensed on the State side for the last twenty plus years that it has been attempted. It has

failed the test every time on the State side, and it seems the State finds that the 146a is more effective. As such the Roseville City Code seems to attempt to preempt and does not compliment or further the law but ignores and conflicts with 146a, which does, in fact, regulate massage Statewide.

## Ms. Jennifer Cunningham, 2191 Snelling Avenue North

Ms. Cunningham explained she is a sole establishment proprietor and questioned if she was using her establishment personally and need to hire in someone else to work so she could do an offsite massage, would she be able to hire someone out to do that? She indicated she has clients now that are no longer able to come in to see her because they are elderly and still want to have massage so she wondered if she will be able to take care of these clients off site or in hospice. If this passes, she is afraid she will not be able to do massage off site.

There were no other commenters, so Mayor Roe closed the public comment and turned discussion over to the Council.

Mayor Roe explained anyone performing massage therapy in Roseville would need a massage therapist license from the City so hiring any additional people or bringing someone in to cover would need to be licensed as well. He thought the Council would have to talk about medically directed massage therapy. He noted if a therapist is already regulated to do medically directed massage therapy, the person should be able to continue to do that. He thought the City did want to restrict the provision of commercial massage therapy for non-medical purposes to massage therapy establishments and if the primary purpose of that is otherwise, it becomes very difficult to regulate that activity.

City Attorney Tierney stated this was a better question for a doctor, but she believed if a doctor were to prescribe a massage, whether it be for rehabilitation or mental health or comfort and at the direction of a doctor, it would meet the requirements of the Ordinance.

Councilmember Schroeder thought they needed to be careful with just saying "a doctor", it should be "a medical doctor", because with hospice there might be a nurse practitioner.

Mayor Roe indicated that is already addressed in the language.

Councilmember Schroeder indicated she just wanted to clarify that.

Mayor Roe explained he talked to City Attorney Tierney about MN Statute 146a, naturopathic type practitioners, and he asked her to review this, where the City is at regarding this, and where reference needs to be made in the City licensing scheme.

City Attorney Tierney reviewed the State role regarding Statute 146a in regard to City regulations, indicating her belief that City regulations as they exist and are proposed do not conflict with the provisions of chapter 146A.

Mayor Roe explained it was brought up about a possible violation with the First Amendment. He explained he presumed that if massage is not being offered for sale under the First Amendment, that probably does not require a license anyway because the City is regulating a commercial activity. But in the other sense, he wondered if there was concern here with respect to First Amendment type massage.

City Attorney Tierney explained it is hard for her to answer such a general question. She stated that even under the First Amendment, when talking about expressive activity and City regulation, it starts at the beginning, which is what expression it is and what is the context of that restriction. She explained it needed to be found out whether this would be some sort of a time, place, and matter restriction because she was pretty sure massages do not take place in a traditional public forum. To the extent that they did take place in a traditional public forum, under where the venue is, the City could still regulate with sufficient reasons. But, she did not think the City is regulating the forum. Rather, she thought the City was regulating in its police power, as a health regulation and in general, First Amendment activities are not implicated. That said, provided that the City did not enforce, intentionally, a regulation to limit speech, she thought the City would be okay, noting that will be something that needs to come to them and to be looked at for the particular situation. She explained that such a general statement is hard to speak to directly.

Mayor Roe believed that while the Fourth Amendment protects unreasonable search and seizure, as a part of the City's policing powers for health and safety, the exchange with the people who get the licenses is that licensees can be required to provide that information as a condition of the license.

City Attorney Tierney confirmed that was correct and the reason is to make sure that the individual who engaged in the license activity at that moment was the individual who is on the license.

Mayor Roe indicated the Council could decide if they want to add requirements that might be in other cities, licensing setups, and that can be done as part of this or at another time.

Councilmember Strahan explained her understanding was the City already has a licensing ordinance in place and the Council was just adjusting some of the licensing requirements.

Mayor Roe indicated that the City does already have a licensing scheme in place now.

Councilmember Strahan wanted to make it clear to the public that the regulations are already in effect and the Council is just adjusting and making amendments to an existing structure within the City.

Mayor Roe explained the Council talked about changing exception number two in 309.03 and he thought there was still a bit of a problem with it, which is the reference to being licensed by the Board of Medical Practice. That is because when looking at the different types of practices that are listed, these are actually licensed by specific boards for those practices, such as physical therapy. He was double checking the language in State Statute about that because he wanted to be sure. He thought the Council may want to change it to say something to the effect of "licensed by a State Board governing the medical practice", and then may actually want to look at actual listings of specific practices.

Councilmember Strahan asked if it should say "a Minnesota State Board" as opposed to just "a State Board".

Mayor Roe thought because the City was in Minnesota that would be apparent, but he deferred comment to City Attorney Tierney.

City Attorney Tierney thought when she wrote this, the other licenses all fell into the Department of Health, which is the issuing authority. But for medical doctors, it is actually the Board of Medical Practice and that is why she singled out the Board of Medical Practice.

Mayor Roe liked the fact that the practices are still listed.

Mr. Trudgeon indicated he meant to remove those when he made his edits. He noted Attachment C, which is the clean version, does not have practices listed.

Mayor Roe thought the notion of striking out the requirement that the treatment be administered on the premises of a medical of health business, which is under the City's exemptions, does not seem to allow that exempted behavior to happen in people's homes. He asked if the Council was okay with striking out that it has to be on medical premises.

The Council agreed to strike out that wording.

Mayor Roe summarized the changes during this discussion were that transfer was removed altogether and the Council wants to look at adding the wording "in public view", on 309.06a and on 309.06b, noting the Council could leave "police officer" in or replace that with "City enforcement official".

Mr. Trudgeon explained the wording could be that or "representative of the issuing authority or designee or City Police Department" in 309.06c.

Councilmember Etten indicated the wording should be changed in 309.06c to reflect the wording and then copied into 309.06b.

Councilmember Strahan asked, in light of City Attorney Tierney's comment about massage being performed in public, what about people in the middle of Rosedale Mall providing massage.

Mayor Roe explained that was specific to the First Amendment aspect.

Councilmember Strahan indicated she understood that but asked if those folks are held to any of those requirements.

Mayor Roe explained if there is a kiosk in the mall providing massage service then they need to be licensed by the City and would have the same requirements.

Mr. Trudgeon indicated such a business is licensed.

Schroeder moved, Etten seconded, enactment of Ordinance No. 1631 entitled, "An Ordinance Amending Title 3 Chapter 309 of the Roseville City Code to Amend Requirements for Massage Establishment and Massage Therapist Licenses" as amended in the discussions made by Council.

## Roll Call

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

Nays: None

Groff moved, Schroeder seconded, publication of Summary Ordinance No. 1632 entitled, "Approving Publication of an Ordinance Summary of the Amendment to Title 3, Section 309 of the Roseville City Code in Order to Amend Certain Requirements for Massage Establishment and Massage Therapist Licenses".

## Roll Call (Super Majority Required)

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

Nays: None

## c. Discuss Commission Interview Process

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated April 24, 2023.

Mayor Roe thought it might make sense to organize the discussion around the different steps taken during the interview process. He indicated the first step is the application process then the interview process as well as sub steps within that. He

thought it made sense to have a separate application for reappointment that specifically gets to questions that relate to reappointment.

Mayor Roe asked if there was any objection to looking at a separate application procedure for reappointment.

The Council agreed with that.

Mayor Roe suggested using the questions that were used during the interview process for reappointment. He thought it would be appropriate if staff drafted a reappointment application and brought that back to the Council for approval.

Councilmember Strahan stated it would be nice for the reappointment application to have separate questions, shorter questions, and speak to what the applicant learned or highlight accomplishments.

Councilmember Schroeder indicated while looking at the procedure statement of reappointments in the document, it says that if the person wants to reapply, those most recent applicants being longer than three years will be asked to submit a new application. She wondered what would happen if the person only served two years.

Mayor Roe thought this could be amended. He also thought the application process related to if there are not two times the number of openings worth of applicants could be amended. He noted there is always the option to not reopen the position, but he wondered if it made sense to relook at the policy and maybe amend it to be instead of two times the number of applicants, to be two more than the number of vacancies. He wanted to give the Council some more flexibility instead of always feeling boxed in and thought that slightly relaxing the standard might make sense.

Councilmember Etten felt that the Council has the discretion to do that, if needed. He indicated he was not ready to get into special calculations or anything like that.

Mayor Roe asked if there were any comments on the front end of the process.

Councilmember Etten would like to see questions within the application itself for new Commission applicants that have changed from a year ago. He noted there was a question in the application before that was very helpful to him when people were answering it. He would like to look back and compare those.

Councilmember Strahan explained she would also appreciate having input from Assistant City Manager Olson on the application process as far as making sure the questions would be appropriate to ask a job applicant. There are certain things in a job application that should not be asked because that information could be seen as discriminatory if the person was not selected. She would like to make sure that the

City is being respectful and asking best practice questions in the application process.

Mayor Roe explained the only other thing related to the application process is if the Council wanted to look at any kind of change to the policy as it relates to the process to interview reapplication people. He asked if the Council wanted to look at any of that process.

Mr. Trudgeon explained his only comment is that if interviewing re-application candidates is done at that stage, it can be fairly disruptive to get everybody together. If the Council thinks they want to occasionally do that, maybe make that automatic so staff can build it into the process. He always goes back to the "why", why would the City want to do it or not do it.

Councilmember Groff explained the reason why he would want to do it is because as a Councilmember, he values these people's opinions, and the Council does not have very much interaction with them. It is his one chance in two or four years to connect with them and also give the Commissioner the chance to talk to the Council one-on-one about their experiences while on the Commissions. He did not think it would take that much longer, noting it went pretty smoothly this time.

Councilmember Etten agreed and thought there could be value to that, but he did not personally want to make it automatic as a part of the City Code.

Councilmember Groff agreed with the point of not having it automatic.

Councilmember Schroeder thought it was helpful to talk to the people as well, but she wanted to be sensitive to letting people know why the Council is doing it. She did not want the Commissioners to feel like the Council was looking to replace them.

Councilmember Strahan thought it was easier to ask everyone to come back and reinterview rather than one or two people because then those people will wonder why the Council wants to interview them for the position and feel singled out.

Council consensus was therefore not to change the policy related to interviewing applicants for re-appointment as it is currently written.

Mayor Roe indicated the next step is the interview process. He asked for thoughts from the Council.

Councilmember Etten explained one of the recently used potential interview questions was: "what do you believe should be the focus of the Commission", noting ideally there is already a scope for the Commission so the Council is not really asking that but rather something along the lines of "what part of the work this

Commission most excites you or do you feel you can contribute to the most". He suggested something along those lines because it gets to the work of the Commission so people can show understanding of what that Commission does, maybe what the person is passionate about, and why the person would be doing that versus asking what the Commission should be doing. He appreciated the potential question list and felt that was good. He did not feel the Council should always be frozen by that but should start with that as the initial framing.

Councilmember Strahan agreed with Councilmember Etten in order to show their understanding. She thought it was nice to send out the information in advance to have a good understanding of what the Commission does. She noted one question that came up a couple of times that she thought was concerning was "how would you change..." because she did not want to usurp the leadership of the department heads and make it seem like somehow the Commissioners had an authority over staff to make changes that they could not actually implement.

Councilmember Schroeder thought part of this is when looking at the chapters that are written for each of the Commissions, some are not clear on what the Commission does. When someone does research on the Commission for the interview, the Council can see why some of the applicants' answers come across somewhat the way they are. She thought the City was going to think about recrafting how the descriptions are written.

Mayor Roe stated it was helpful to make sure the materials the City gives to the prospective applicants are as good as possible in terms of how it relates to the scope, duties, and functions of the Commissions.

Councilmember Etten thought the information given to the Commissioners is a tremendous improvement and so much better than what was available a year or two ago.

Mayor Roe thought the big question regarding the interview process is the where, how, and when. He wondered if the interviews should be live or recorded.

Councilmember Strahan explained she enjoyed being at Cedarholm, but it has a lot to do with her saying there are a lot of City spaces and an opportunity to go out into the spaces and be a part of them. She thought in that space, there is the opportunity for recording the interviews. She stated it has been good to pull the interviews out of the City business because it gives the individual more dedicated time than when on zoom. She appreciated the extra day outside of the Council meetings, liked having the interviews elsewhere, noting it reminds people that there are other City buildings.

Councilmember Schroeder liked the idea of doing the interviews separate from the Council meetings and thought it makes it less stressful. She did not like going to

the other locations and felt the atmosphere was loud, confusing, and the camera sitting in the open felt intrusive. She thought being at the Council Chambers would be better with everyone sitting at the table with more hidden cameras so the interviewee would be more in the environment that they would be doing if appointed and give them more of a flavor for that scene. She thought it seemed disrespectful to the applicants with all of the other stuff going on versus a quiet environment at City Hall. She also thought if the interviews could be done at City Hall, sitting at the table on a different day than the Council meetings, it would be ideal.

Mayor Roe liked the idea of having the interviews on a different night rather than on a Council meeting night. He thought the interviews could be held at City hall at the table to make a more welcoming and user friendly environment. There is also the technical ability to do the video and he thought the interview meetings should be live.

Councilmember Groff explained he did not have strong feelings one way or the other on the location. He did not have trouble with the noise in the other building and that a round table is better than a square one. He also thought the sound was better at City Hall and it is important to video tape the interviews because of City policy and also, he was not able to make one of the meetings and he was able to listen to it.

Councilmember Etten agreed with the discussion about having the interviews at City Hall and at the table for the reasons mentioned. He noted this is where the Commissions would do their work and the meetings would be recorded and online. If the person were interviewing for a job that would be different, but these are interviews for community-based commissions. He thought the city hall cameras were less intrusive than the ones that were set up at different locations.

Councilmember Schroeder explained the City is always talking about communication and being transparent and when talking about the Commissioners as ambassadors, the public needs to have the right to see who is applying so people who do not attend the meetings should be able to see the process and the interviews.

Mayor Roe noted staff could include a link to past interviews for the applicants to see how the process works and become familiar with it.

The Council thought that would be a good idea.

Mayor Roe stated the Council consensus was to have the interviews on a different night as well as bringing the interviews back to City Hall.

Councilmember Strahan stated one thing that would be really helpful is if the Chairs of the Commissions provide the Council with information sooner about their

people, as far as reappointment as that would help the Council decide if the person should be reappointed or not.

Mayor Roe explained there will be no changes to the appointment policy at this time. He recapped the follow up items for staff including applications, back for Council consideration of the draft, reappointment application, as well as looking at tweaking the new appointment application, looking at the previous one, and changing the interview process to City Hall but on a different meeting date than the City Council, and doing interviews live.

## d. Discussion on City Commission Scope, Duties, and Functions

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated April 24, 2023.

Councilmember Etten thought some of the Commissions are feeling neglected and that they do not have a lot of work, or it is the wrong work, or the Commission could do the same work in six meetings rather than eleven or twelve meetings. He thought the City should look at ways to do this work in new ways. He would like to take this out to Commissions first to look at the scope, duties, and functions of each Commission to see how it fits, if it should be changed, and what recommended changes would the Commissions want. He would want each Commission to be a deep part of the process. He reviewed the time frame he came up with.

Mayor Roe thought this parallels the last meeting where the Council talked about looking at job descriptions and things like that for employees of the City. He noted there was an opportunity to match that with the Commissions. He also thought the three-month time frame worked well because the first month could be the first look at this with general thoughts and ideas, the second month could be refining it and brainstorming, and the third and final month would be putting it all together. He thought it would be helpful to give as much guidance to the Commissions and their staff liaisons as possible as to how this should proceed and what the end product ought to be with some broad parameters.

Councilmember Schroeder stated the Commissions are like having in-house consultants and auditors in a way, which can be powerful assets. But like any consultant or auditor, if the Council does not define the project and purpose, the City does not get the results the Council is looking for. She agreed with Councilmember Etten that the Council should let the Commissioners and Commissions come up with some ideas yet with that, the Council also needs to figure out what the City wants out of it. She asked what does the Council want the Commissions to advise them on. She would also like to see this be more of a universal way the City does this because some Commissions have a few pages for scope and duties, and some have a few sentences.

Councilmember Strahan thought the Council should take one of the Commissions' scope and duties that is written well and use it as a template. She agreed moving the start of this discussion back to the Commissions is the respectful thing to do. She thought it would also be helpful to hear from the Commissions' point of view and what the Commission thought would be an ideal number of members or an ideal number of meetings and how often the Commission should meet with the City Council. She saw this process as being a lot longer than three months. She thought this should allow three months for the Commissions to get the information back to the Council and at that point, the Council would synthesize and build from there so by Spring 2024 the new scope, duties, and functions would be ready to put into place.

Councilmember Groff stated all of the discussion was good and all the Commissions should be more standardized. He did not want to narrow down the descriptions of the scope, duties, and functions so specific that in five years there are questions as to why a Commission is doing what it states.

Mr. Trudgeon stated after listening to the conversation, it makes sense and is very clear to go back to the Commissions to talk about their role and scope and what the Commission is doing. He indicated after that process, staff will work on the Ordinance but his biggest concern is making sure the Council is clear on what is being asked of the Commission to do. He noted what will happen otherwise, is the staff liaisons will ask those questions and if staff does not understand what they are asking for, or if the question is very open, the Commission is going to struggle. He thought this was something that should come back to the Council with some very specific, written out questions or thoughts in order to have that conversation, and Ms. Olson and he can report back to the staff liaisons about what the Council is looking for.

Mayor Roe thought it might be helpful to have a Council subcommittee of a couple Councilmembers that can collaborate with staff to draft something up to bring back to the rest of the Council and go through it at the next discussion. He suggested Councilmember Etten, who brought this up, along with another Councilmember.

Councilmember Schroeder indicated she could help out.

Mr. Trudgeon indicated this item could come back to the May 15, 2023 meeting if the information is ready.

- 8. Council Direction on Councilmember Initiated Agenda Items
- 9. Approve Minutes
- 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 April 24, 2023 and related attachments.

Groff moved, Strahan 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

TOTAL	\$1,734,092.27
106286-106380	193,192.68
ACH Payments	\$1,540,899.59

- b. Removed for separate consideration.
- c. Approve Metropolitan Council Easement Agreement. Resolution No. 11979
- d. Receive First Quarter Financial Report
- e. Approve Agreement with Municode for Recodification, Supplementation, and Online Hosting

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

City Manager Patrick Trudgeon reviewed the May 8, 2023 City Council meeting, and the May 15, 2023 EDA and City Council meeting.

## 12. Adjourn

Etten moved, Schroeder seconded, adjournment of the meeting at approximately 9:04 p.m.

Daniel J. Roe, Mayor

#### Roll Call

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

Nays: None.

ATTEST:

Patrick J. Trudgeon, City Manager