



Regular City Council Meeting **Minutes**
City Hall Council Chambers, 2660 Civic Center Drive
Monday, August 13, 2018

1. Roll Call

Mayor Roe called the meeting to order at approximately 6:00 p.m. Voting and Seating Order: Willmus, Laliberte, Etten, McGehee and Roe. City Manager Patrick Trudgeon and City Attorney Mark Gaughan were also present.

2. Pledge of Allegiance

3. Approve Agenda

City Manager Trudgeon did not have any changes.

Councilmember McGehee requested removal of Item 9l for separate consideration.

Councilmember Laliberte indicated she will have a question on Item 9k but it does not need to be pulled.

Councilmember Willmus moved, Councilmember Etten seconded, approval of the agenda as amended.

Roll Call

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

Nays: None.

4. Public Comment

Mayor Roe called for public comment by members of the audience on any non-agenda items.

Ms. Sarah Barsel, 1276 Eldridge Avenue

Ms. Barsel stated she was at the meeting because of the primary election cycle this week. She stated she was glad they had a wealth of candidates for Roseville but was disappointed there was a limited amount of information about some of the candidates, both from the candidates themselves and also available in the newspaper, *Roseville Review* or the *Pioneer Press*. She hoped in the future that is remedied.

Ms. Barsel noted the second item relates to third party mailers that show up on a regular basis every time Roseville has an election and these are sponsored by the Garbage Haulers for Citizen Choice. She stated they are consistently inflammatory, misleading, or present themselves as fostering information about candidates but the candidates, obviously, have no information about having been fostered for this. She thought this was unfortunate because they have the opportunity to provide useful information, but they do not take it. In addition, they time mailings so nobody can make a response within the media cycle. Ms. Barsel suggested people vote with their pocketbooks and if they think

Regular City Council Meeting

Monday, August 13, 2018

Page 2

this is a wonderful activity, then they might want to change to one of these garbage haulers. If people thought this was a disappointing or disturbing activity, they might consider changing to a different garbage hauler. She showed a list of participating haulers from the “Garbage Haulers for Citizen Choice” website.

5. Recognitions, Donations, and Communications

6. Items Removed from Consent Agenda

9l. Consider a Request by United Properties for a Conditional Use to Increase Roof Height from 45 Feet to 55 – ½ Feet Pursuant to Table 1004-6 and §1009 of the City Code (PF18-102)

City Administrator Trudgeon briefly highlighted this item as detailed in the RCA and related attachments dated August 13, 2018.

Councilmember McGehee stated she was concerned about the stormwater pond and since they are asking for a Conditional Use, she wondered whether there would be interest in applying a condition of a buffer for the location around the pond so additional phosphates are not disbursed into the pond resulting in an unmanageable pond. She thought this was something the Council could request as part of the Conditional Use. She stated she would be amenable to granting the extended height but thought it would be reasonable for United Properties to provide a small buffer to the pond.

Public Works Director Culver stated Councilmember McGehee called to discuss this so he looked into it a little more. He has not seen a formal wetland delineation of the area but the preliminary information is that it is already classified as a “storm pond.” As such, the Watershed District will require at least a twenty-five-foot buffer around the wetland as well as a minimum setback for any structures or improved surfaces. He noted the City Council could put that in the motion as a condition of approval.

Councilmember Etten thought twenty-five feet might be hard to maintain in some areas as the driveway is wrapped around the east side of the building. He wondered if staff has looked at that yet.

Mr. Culver indicated without having the formal building plans, they have not yet had an opportunity to comment at that level.

Mayor Roe stated the shoreland ordinance has setback requirements both in terms of distance and structures. He wondered if those were in line with what the Watershed District or the State has for requirements.

Mr. Culver thought the City had higher restrictions for a five-foot larger buffer than the Watershed District requirement would be.

Regular City Council Meeting

Monday, August 13, 2018

Page 3

Mayor Roe asked if the City code differentiates between stormwater ponds and wetlands in terms of what their setback requirements are.

Mr. Culver indicated they would have a structure setback for both. He did not think they required a formal buffer, like a vegetative buffer, around a stormwater pond but there are setback requirements.

Councilmember Laliberte stated it appeared to her the driveway off Lexington will be a right-in/right-out and asked for confirmation.

Mr. Culver stated they will share the access with the existing Cherrywood Development, which is a full access across from the Fire Station. Their full access driveway connection will be there.

Regarding Conditional Use approvals, Mayor Roe asked City Attorney Gaughan what specific nexus there needs to be between conditions that they might apply in what is being asked for with the height addition application. He wanted to make sure they are on good grounds if they decided to add a condition related to a buffer or setback when the Conditional Use is for height.

City Attorney Gaughan stated this is a Conditional Use for the height of a building and he was not sure whether the height of a building implicates wetland buffer needs. He advised there would have to be some reasonable relation between the conditions imposed and the structure, noting this is merely a height requirement. The question would be what the increased height has to do with needing greater wetland buffering.

Mayor Roe asked if there was anyone in the audience that wished to speak.

Mr. Dave Young, Project Manager for United Properties

Mr. Young stated he has been working with staff to develop this project. He stated the wetland has been delineated and the site plan proposed earlier in the process was very conceptual. Now that they know the required setbacks for the buffer area, they are maintaining the required buffer areas within that wetland area. On top of that, there is treatment of all stormwater via infiltration and bio-filtration basins. The application is being submitted to the Watershed District, on August 14, 2018 and they are confident it will be acceptable. He noted the Watershed District has already provided input on the initial application. Mr. Young stated he would appreciate approval of this request.

Councilmember McGehee thanked Mr. Young for that information. She indicated she was satisfied with that, but it was clear to her from the drawings in the packet that this was not the case. She stated she was glad it has been clarified.

Councilmember Willmus asked whether the partial site plan in the packet showed the delineated wetland.

Mr. Young stated that was a conceptual site plan that has been altered since the official delineation came back. He noted they have pushed the drive isle away from the wetland by another twelve feet, lost some parking stalls, and added parking stalls to the underground parking to meet the requirement of the parking ordinance.

McGehee moved, Willmus seconded, adoption of Resolution No. 11525, (Attachment C) entitled, "Resolution Approving a Conditional Use Pursuant to 1009.02.C of the City Code for 2630, 2644, 2654, 2656, and 2666 Lexington Avenue (PF 18-012).

Council Discussion

Councilmember McGehee thought this request was fine and fit this location. She stated she was glad to see they have shared parking and made up the additional parking.

Councilmember Willmus stated when the council was looking at changing the height limitations and going to the lower height buildings, one of the Conditional Use situations they were looking for was requests for a greater height that may be in proximity to existing single-family residential housing. He thought in this case, the process they put in place has worked well, which called extra attention to some items. He also thought the request for this location is reasonable and stated he would be supporting this.

Roll Call

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

Nays: None.

7. Business Items

a. Receive Police Department Presentation on Crime Data

Community Relations Coordinator Yunke and Police Chief Mathwig briefly highlighted this item as detailed in the RCA and related attachments dated August 13, 2018.

Chief Mathwig noted a retail store in Rosedale, one of eleven hundred in the country, is averaging \$5,500 of theft related loss every day, which is almost \$1.8 million a year.

Chief Mathwig reviewed additional crime statistics and stated a great concern to him was aggravated assault, which is trending higher than other statistics. Anecdotally, Chief Mathwig stated that a lot of aggravated assaults are family

Regular City Council Meeting

Monday, August 13, 2018

Page 5

members, people who know each other, and some have occurred at a few of the hotels. He stated for the most part, aggravated assaults are not by random unknown assailants.

Chief Mathwig continued his presentation on other information and crime statistics in the city.

Mr. Yunke thought the interesting thing regarding this presentation is that crime data is flawed because it only includes crime that is reported. He explained the uniform crime reporting system goes by the hierarchy rule and will not show everything. He stated in 2019 they will be switching to a better reporting system.

Mayor Roe noted while looking at the first six-month statistics, some areas between 2017 and 2018 seemed to be trending down from the previous year. He wondered in regard to budget and resources if there was anything Chief Mathwig wanted to mention related to strategic focuses for the Department over the next year or two. He also asked whether they will be looking at additional resources or shifting existing resources to address what is trending right now in the community.

Chief Mathwig stated in 2011, they started an impact unit, a two-officer team that looks at hot spots, problem neighborhoods, and works with them to solve the problems of the community and the residents around it. Another item they have been working on for over a year now is the problem with second party vendor electronic filing of police reports. He thought this would be completed by early fall. Chief Mathwig noted people will be able to easily file reports online with the Police Department, which will lead to more reporting of crime. He noted for several years, they have asked for a mental health liaison officer, which has not happened, but it will be a continuous request. He reported that across the country, calls related to people in crisis have skyrocketed since 2008-2009 and will not go down. This system has not been fully developed since the 1970's and 1980's. He noted he will be requesting several officers for the 2020 budget.

Councilmember Laliberte stated a few years ago, Chief Mathwig specifically requested a commercial patrol officer. She wondered if Chief Mathwig feels that need has gone away and is being handled with other resources.

Chief Mathwig stated the need is still there but the mental health concern has surpassed that as the number one priority. He noted Rosedale can do a lot to make Rosedale a safe place but there is a bit of a discord or misalignment of information or policies in regard to how much Rosedale performs and how much Roseville performs on top of that. He explained the reason the store in Rosedale is losing \$1.8 million a year is because they closed a store in Minneapolis and a lot of their theft suspects are finding their way to Rosedale. He stated it is not

Regular City Council Meeting

Monday, August 13, 2018

Page 6

going away and is a matter of society's wishes relating to what is best when looking at budgets and priorities.

Councilmember Laliberte asked, when looking out to 2020, would additional officer requests be general and not specific for crime prevention.

Chief Mathwig indicated he would like to add the mental health liaison as soon as possible with several others that would be more general type patrol and a detective to help solve cases and work fraud cases.

Councilmember Laliberte asked if they had a good feel on what Ramsey County provides for their parks. She wondered how much they are partnering in park locations or what could the City be doing in asking for additional resources from the County.

Chief Mathwig stated the Ramsey County Sheriff's Office would patrol the County beaches, Lake McCarrons, and Lake Josephine. The City of Roseville Police Department took over patrol of the library from the County a few years ago because they thought they could do it better, which they are doing. He noted they have a great working relationship with the County Sheriff's office. Officers are working, at least once a week, to help the County make sure small problems in the City do not end up being big problems. He stated Ramsey County does a great job, they have a great relationship, but Ramsey County can always use additional help, especially at lake beaches.

Councilmember Laliberte asked if there would be a benefit to advocating for more lighting around the building and parking lot.

Chief Mathwig stated over the summer when they know about potential problems, they shepherd people out of the lot and close the park gates at 9:00. He thought the County did a great job with that.

Councilmember Laliberte asked what the City could do going forward to provide loss prevention training, regarding residents, their homes and property, as well as commercial and retail. She wondered if they could have some type of semi-annual open houses where people can find out how to protect themselves.

Chief Mathwig stated the most prevalent crime in Roseville is theft so it would help a lot if people locked up their properties.

Councilmember Willmus stated if the Police Department knows of a need and a request has been made to provide the need in 2020, why wouldn't the City, as far as 2019 budget cycle, be looking at some of those issues and starting those conversations now.

Regular City Council Meeting

Monday, August 13, 2018

Page 7

Chief Mathwig stated for the last few years, the immediate need he has talked about with the City Manager is the mental health liaison. That need is known and the statistics given over the last several years are accelerating. He stated for the 2019 budget, they are asking for a mental health liaison. It is their top priority.

Councilmember McGehee asked if the Police Department was partnering with Fire Department staff in regard to mental health issues. Since those are primarily medical issues at their core, she thought there was some expertise in the Fire Department. Councilmember McGehee stated she would like to see something that is a combination or partnership when it comes forward. She stated in regard to part 1 crimes in 2018, they are trending lower in the first six months. She wondered if the crime generally goes up in the second six months or is there an indicator useful to the Police Department about the first six months of each year.

Mr. Yunke stated the data was available, so it was chosen. He explained the UCR does not come out until the 11th of the following month and noted July and August are busy months as far as crime.

Councilmember McGehee noted theft from auto was missing from the report in the first few years.

Mr. Yunke responded it was classified under “other theft” in the report table during those years.

Chief Mathwig noted the federal government has reclassified crimes, which lowers some categories and increases other categories. He stated in 2017, he asked their Impact Officers, in talks with the supervisor, if they could work with the three or four people who have experienced the most calls for service to their house. He stated in regard to banding together, making neighborhoods safer, and park patrols, Mr. Yunke has done a wonderful job, which has really brought down thefts from automobiles at the parks.

Mr. Yunke explained they are using data and getting a program behind it to model the reduction of crime. He stated they are also creating response teams to impact crime.

Councilmember Etten stated his comment is in regard to what the Police Department is doing around trying to help with education. He noted when there were some thefts in southeast Roseville, they had a neighborhood meeting. The neighborhood meeting was packed, very informative, they ended up leafletting and emailing, and went door-to-door. He thought neighborhood meetings were helpful in alerting people about how to stay safe and connect with people one-on-one. He asked Chief Mathwig to speak in regard to some of the mental health services they receive from Ramsey County and where he would see additional work from Roseville staff fitting into that.

Regular City Council Meeting

Monday, August 13, 2018

Page 8

Chief Mathwig stated Ramsey County has a mental health mobile crisis unit, Brian Theine was the supervisor, and it serves all of Ramsey County. Chief Mathwig described the services provided by the mobile crisis unit to help including offering transport to the hospital. If they come out to Roseville, they do not tell the Police Department unless help is needed. Chief Mathwig stated a couple of times, the mobile crisis unit has come to help the Police Department by talking and working with an individual to help alleviate the problem and get the neighborhood back to normal. He noted there are eleven mobile crisis units in Ramsey County, they are very busy, and he felt they did a great service.

Councilmember Etten asked Chief Mathwig how he envisioned more help for Roseville and how that would fit with Ramsey County's work.

Chief Mathwig stated with their limited number of employees and all of Ramsey County, the mobile crisis units can help with acute situations. However, once the individual is helped, Ramsey County does not routinely follow up. That is what he sees as Roseville's impact and the mental health liaison officers are doing. He stated they are trying to get people the help they desperately need without having an officer respond to a 911 call.

Councilmember Etten thought there might be some sort of synergy that could work between Roseville's Police and Fire Departments to address mental health issues.

Mayor Roe stated his biggest concern in the past, as they have looked at the mental health liaison, is the fact that he did not think this person would be able to staff that position 24/7/365 and yet crises can happen all the time. He wondered how they take that limited resource and make it fit the bigger picture. Mayor Roe thought it made sense to look at partnering with the Fire Department. Another piece to this is Ramsey County, as they are the City's social service provider in this area. Mental health is part of that and he wondered how they can work with the County to benefit from their services as well. Mayor Roe noted there are several different directions the City may want to take on this. There are certainly non-governmental entities in the mental health area that may be part of that as well. He thought this required a bigger discussion and he looked forward to that discussion.

Mayor Roe re-emphasized what Councilmember McGehee had mentioned and was echoed by representatives of the Police Department. He thought it was one thing to remember to lock doors and close garage doors but people all forget those things at times. He thought the notion of neighbors all looking out for each other, talking to each other, and making sure they have each other's back in terms of closing garage doors, was important and could help make a difference in that regard.

Councilmember Laliberte stated, as a follow-up, they did talk about a mental health liaison a year ago. At that time, they decided it was very important for all officers to have crisis intervention team (CIT) training. Councilmember Laliberte stated leaders from other communities have often asked her about that. She asked Chief Mathwig to comment on the decision of the Council to invest in CIT training for every officer versus putting resources into one mental health officer and where they are at today.

Chief Mathwig thanked City Manager Trudgeon for actively being involved in this and setting aside money in the budget for training to make it happen. He stated they have 48 police officers on the payroll and in 2016, he made the decision to get started on CIT training, a 40-hour course. This was accomplished in 2017 and 2018. He thought the CIT models in place in Minnesota were shining examples on how to train cops. Chief Mathwig noted the cost was approximately \$54,000 to train the officers over a two-year period and as long as he is Chief for the City, every officer that is hired will be CIT trained within the first year of employment.

Mayor Roe asked about the dollar impact relating to the request for several officers.

Chief Mathwig stated they are looking at \$80,000-\$90,000 per officer per year. If they add one detective, they would not need another car. But if they added two detectives, they would need an additional car, approximately \$20,000 plus \$15,000 for radio equipment. If adding four or five officers, with three or four on patrol, one detective, one mental health liaison, and two or three additional cars, they would be looking at approximately \$324,000.

Mayor Roe asked if the \$90,000 was for salary and benefits.

Chief Mathwig answered in the affirmative.

Mayor Roe asked if there was public comment for this item.

Public Comment

Ms. Jan Silliman, 1244 Belaire Circle

Ms. Jill Eck, 1240 Belaire Circle

Ms. Silliman stated they support their police and appreciate everything they do for the community. She also appreciated the notices posted. She stated they have lived on Belaire Circle for 34 years and within three days in the last week, two cars were stolen, a garage was broken into, and the car in the garage was rifled through. There are only eight houses on the cul-de-sac and they are all looking at additional security and trying to figure out what they can do.

Ms. Eck stated they park a truck in their driveway at night because both cars do not fit in their small double garage. She stated someone stole their truck which was locked without keys in it. She stated it is disconcerting, and they are doing things differently now than they used to. Ms. Eck stated she did not know if the person went into their garage, but the side door was open in the morning. She did not see anything missing. She stated several hours ago it was reported to her husband that the truck was identified in the Minneapolis impound lot. Ms. Eck explained she was concerned because when she reported her truck stolen, she learned that within a 48-hour period, a car was also stolen from a house two doors down from hers. She noted the police have been very responsive. She came to the meeting tonight to learn more about Roseville and their crime rate. She stated she would support Chief Mathwig's request for additional police.

Ms. Silliman stated they are having trouble receiving updates from the police and while she understood how busy the Police Department is, it is frustrating when this is happening in their neighborhood. She indicated they did not know what they should be doing but some of the suggestions brought up at the meeting have been very good. She wondered how they would go about setting up a neighborhood meeting and stated they need to know what they can do and what the police can do. Ms. Silliman stated they are looking at security systems, cameras, and whether the City has cameras they could put in their cul-de-sac. She also wondered how they, as citizens, can get updates as to what is happening.

Councilmember Willmus thought it was important for folks to reach out to Mr. Yunke for information if they want to set up a new group of neighbors.

Councilmember Willmus asked what they are doing to communicate with victims about the solving of a crime.

Chief Mathwig explained for each case that is being investigated, a detective will email or call the victim of the crime for more information. As far as the neighborhood goes, the Police Department does not send out mini alerts across the City unless they feel it is necessary. More of their communication is paperless and through Facebook, Twitter, and Nextdoor.com. He explained that mass communication is the best way to get the most communication out at one time. Chief Mathwig stated as far as photos of suspects, an alert goes across the seven-county metro area to detectives asking if any know the suspect.

Councilmember Willmus thought it was important to let people know when they have any progress in certain areas, noting it was a very important part of what they are doing.

Mayor Roe agreed and thought if the area was smaller, then the Department could designate a point of contact in the neighborhood who could get the word out to others.

b. Request by Vanbarton Group and Chick-fil-A to consider a condition modification to Resolution #11511 (PF18-003)

City Planner Paschke briefly highlighted this item as detailed in the RCA and related attachments dated August 13, 2018.

Ms. Roselyn Morrison, Asset Manager with the Vanbarton Group, stated they have not been able to execute an agreement because they have leases that explicitly prohibit material, permanent, and negative alterations to the common area. She has gone over all the major leases with their attorney and tried to find a way around it but unfortunately, they believe there isn't one. Ms. Morrison stated they did not believe this is necessary and from what she understands, is contrary to zoning. Further, Chick-fil-A has stated they do not need or want allocated or exclusive parking. She stated Mr. Jeff Agnes, AR Architects, has gone over this as well and does not feel there is a necessity for it. She wondered if there was any specific need looked at for this requirement that they could wrest in another way.

Councilmember Willmus asked whether the concern on the part of the existing tenants is that their clientele might not have a place to park if there are designated spots for Chick-fil-A.

Ms. Morrison stated it is not a concern but what is in the lease currently. They had to go to 8 or 9 of the major tenants to request waivers to build an outlot there. When they negotiated those waivers, which took almost four years, they believed what they had put in front of the tenants on the allocation of this specific area for Chick-fil-A, would be adequate. Neither Chick-fil-A nor the tenants have wanted exclusive parking.

Councilmember Willmus stated from his perspective, the concern comes with being familiar with the mall, traffic patterns, use patterns, along with busy and non-busy times of the year. Typically, if they have a stand-alone restaurant, they would have a ratio of so many parking stalls per number of seats. Those are all factors that enter into this for him. He stated this is a concern he has.

Ms. Morrison believed there was adequate parking, not only in the front lot but in the entire center.

Councilmember Laliberte stated one of the actions recommended is item B, which would be to remove the "exclusive use" language. She asked whether that materially changed anything.

Ms. Morrison stated the difference is that it is no longer being materially changed since they are saying they could recommend people to park there, but it is nothing 'written in stone.'

Councilmember Laliberte thought this would not change the common area for the other tenants.

Mr. Paschke stated that was correct.

Mayor Roe asked if they removed the "for the exclusive use" piece of this, is there any point in having a parking agreement at that point.

Mr. Paschke thought the agreement then becomes more of a shared parking agreement, which is what they get with a retail strip center where parking is shared automatically between all the uses within the building. It would be an agreement to share the parking without an exclusive area identified for a specific use.

Councilmember McGehee thanked staff for the material that was in the packet because it seemed very clear.

Councilmember Etten asked for clarification regarding standing agreements between the larger retail stores in the development indicating they are all right with losing 120 parking spots plus the parking for the Chick-fil-A.

Ms. Morrison explained they will be changing the parking lot. She displayed a map of the proposed parking lot changes, noting this will allow more parking per square foot with a better flow of traffic in general. She stated they do have agreements with the major tenants that have prohibited a build area there and they are all right with losing those spaces. Ms. Morrison explained they are planning to reconfigure the parking lot to maximize the number of spaces while safely maintaining the parking lot and walkability.

Councilmember Etten thought the provision was there because the people who have been around the shopping mall for decades know there are times when parking is a problem. He thought when a large building is placed in the middle of it and it is indicated more parking will be added, that they will have to deal with traffic flow during the holiday season and State Fair. He also thought this helped address some of the traffic flow issues but could also create new traffic flow issues.

Councilmember Laliberte stated she did understand why item B would be an option because it is still a shared parking agreement for the new entity, more so than just referring to it as common area. It also doesn't violate any other

agreements they have with existing tenants or change the payments for maintaining common areas.

Councilmember McGehee asked of the two items A and B, which one most closely models the existing tenant agreement that had been referred to earlier.

Ms. Morrison indicated item A did.

Councilmember McGehee stated if the Council wanted Chick-fil-A to be on a level playing field with the other major tenants, they would approve item A.

Ms. Morrison stated she would request that.

Mayor Roe asked if there was any public comment for this item.

No one appeared to comment on this item.

Laliberte moved approval of modifying Resolution No. 11511 by amending the language in Condition #2 by removing “the exclusive use of the” from the condition.

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

McGehee moved, Etten seconded, approval of modifying Resolution No. 11511 by striking Condition #2 requiring designated parking stalls for exclusive use by the applicant’s customers.

Council Discussion

Councilmember McGehee indicated she made the motion because she was satisfied with the packet information and response of the representative.

Councilmember Etten agreed and stated if the other major tenants were all right with this, then he was all right with it. However, he still had concerns with the total capacity of the parking lot.

Councilmember Willmus stated he initially voted against approval of the Conditional Use Permit for this site, has not changed his line of thought, and still has concerns regarding the flow of traffic through that portion of the center. He thought there would be issues throughout varying times of the year that could be significant but this was a significant improvement geographically within that parking area. Councilmember Willmus thought a condition made sense to have some exclusivity so they have some idea of where patrons would park. He stated he was going to stick to his original concerns.

Councilmember Laliberte stated she would be supportive of this motion, noting when this was last discussed there were questions about the crossing area by the bus transit stop and widening of the sidewalk by Old Chicago. She noted the sidewalk has been changed.

Councilmember McGehee stated she initially voted against this outlot and the project. In principal, she did not approve of any drive-thus in existing parking lots because it was a danger; however, the Council approved this. She thought this was a different issue and a reasonable solution now that the building is there.

Mayor Roe stated he was originally supportive of the motion and resolution. At that time and still, he had a question on the nexus between the dedicated parking and the drive-thru versus just the fact that there is something taking up space in the parking lot. He indicated he continued to support approval of the drive-thru and was supportive of the motion.

Attorney Gaughan stated if this vote falls on the side of removing this particular condition, it would be appropriate for the record to draft a formal resolution for consideration on the next meeting's Consent Agenda. He stated if needed, he could work with staff to draft that resolution.

Roll Call

Ayes: Laliberte, Etten, McGehee and Roe.

Nays: Willmus.

Motion carried.

c. Consider Approval of Community Solar Garden Subscription Agreement

Public Works Director Culver and Mr. Michael Kampmeyer, IPS Solar, summarized the request as detailed in the RCA of this date and noted a bench handout incorporated into the RCA providing an extract of City Council meeting minutes.

Mayor Roe stated to make the finances a little clearer, the table is based on assumed kilowatt hours of production and the City will only pay for and get credit for a portion of the actual production in any given year as opposed to the projected production listed on the table.

Mr. Culver stated that was correct.

Mayor Roe stated the actual credit and payment will be tied to actual production and he thought the notion of calling it 'savings' is not correct because the savings is the solar garden production credit versus what the City is going to actually be paying on their bill for their own energy usage. That credit, whatever it is, will be based on how much is generated by the solar garden. In his mind, what they are calling a 'savings' is actually a return on the investment in the shares. He wanted

to make sure he was clear that there are two pieces to this. One piece is the investment in the solar garden and the second piece is the return on that investment through this process.

Councilmember McGehee stated this is the first time a solar proposal has been brought forward where there is not a significant risk to the City. The City does not have the responsibility for the solar panels. She agreed there is a desire to go forward with the GreenStep Cities steps and make a commitment as a City to this type of solar garden. From that standpoint, she was happy with this proposal. Councilmember McGehee agreed with Mayor Roe that this is not a savings. She was also happy with starting out small and wondered how the developer and developer's partner make their money in this process. She stated she understood the tax credits in doing this and wondered if that was all the developer was interested in.

Mr. Kampmeyer stated tax credits and depreciation takes care of about 55% of the project. The balance is a small fee imposed on an annual basis from the energy produced. They make approximately five to six percent, which is typical.

Councilmember Laliberte agreed with Councilmember McGehee but wondered if there was anything that was time sensitive regarding this.

Mr. Kampmeyer stated they have many more subscriptions than they can currently fill and there is great interest from school districts, counties, and cities across the Twin Cities. He explained this is time sensitive and the program tax credits will begin to fall in 2020 so they are not sure what kind of development will occur after that. In addition, Xcel Energy is reportedly 884 Megawatts under development or being developed and will likely reach their capacity for renewable energy credits required for State mandates. Also, the system itself may not be able to handle much more than that given the amount of development.

Mr. Kampmeyer stated for perspective, in 2012 there was fifteen to twenty megawatts of solar in the State and now they are approaching almost 900 megawatts. There has been rapid development over that time period.

Councilmember Laliberte stated even though it is time sensitive, all of the entities mentioned move as slowly as the City does. She asked what has the Public Works, Environment & Transportation Commission recommended on this.

Mr. Culver stated they presented the same information to the City Council in May. They are more interested in pursuing some of the on-campus solar options and did not make a formal recommendation to go forward with the community solar garden. He stated they understood some of the value in doing that as a short-term measure and indicated they did not oppose it.

Regular City Council Meeting

Monday, August 13, 2018

Page 16

Councilmember Laliberte stated they received a thoughtful email from a former Finance Commission member saying the Council could take a pause on this to make sure they receive some kind of statement or reaction from their advisory commissions because they represent the people in the community.

Councilmember Willmus asked if they had an opportunity to look at the comments offered by the former Finance Commission member.

Mr. Culver stated he saw a couple of comments come through on the general citizen response and most of the statements really played into an on-campus installation where there is more risk to them because they would be hosting the solar garden.

City Manager Trudgeon stated there had been a substantial amount of work that got them up to this point and unless there is some major concern with this, he would suggest moving forward. He indicated this is a lower risk opportunity to delve into solar and see what it is all about.

Councilmember Laliberte stated she would be all right moving forward with this if everyone else agrees. She would really like the Council to be more thoughtful with these types of things going to advisory commissions with the minutes, a recommendation, comments, or thoughts coming back to the Council in their packets.

Councilmember Willmus thought this was a great conversation, noting it is something they have talked about for a number of years and it has been to their Commissions. He stated there were a lot of things he liked about this versus earlier proposals.

Mayor Roe asked if there was anyone in the audience who wished to speak.

Ms. Cynthia White, 2489 Churchill Street

Ms. White stated she did not know why they would not do this and as a resident, she would be supportive of this. She wondered if she subscribed as a resident and sold her home, would some of the subscription services not be transferrable to the next owner.

Ms. Janet Berryhill, 2673 Western Avenue

Ms. Berryhill stated she would be thrilled to have access to solar energy and thought the subscription was a great idea.

Mayor Roe stated there was a clause in the agreement related to the transfer of the subscription to another party.

Mr. Culver stated the City of Roseville is not going to move, which makes them a very attractive subscriber to large community solar gardens. He stated because the City would own the meters, he did not think they could transfer that subscription to anybody.

Mayor Roe stated they are subscribing for a solar garden not on their campus, so under the terms of the agreement, they could decide to get out of the business of being a subscriber.

Mr. Culver stated that was correct and for a resident who subscribes to a community solar garden, there will be specific rules regarding what happens if they move because they would have to account for that possibility.

Mayor Roe stated the City is investing in shares of an off-site solar garden and it is all related to the City's interaction with that process. Individual businesses and residents are free in the community and encouraged to involve themselves to the degree they wish in their own subscriptions. To be clear, this is not a situation where residents can then contact the City to be part of the City's subscription.

Councilmember Laliberte thought that was an important aspect to communicate. She asked the Communications Director to write it in an easier language for people to understand because there will be excitement about this.

Mr. Culver stated once they are subscribing and active, it would be nice to do a newsletter article and tie that in with education on how residents can participate in community solar gardens on their own.

Mayor Roe thought they could track the City's solar garden shares on the Public Works website as well as track the return and what they are generating.

Councilmember McGehee thought this was an opportunity for the City to act on behalf of the residents, to take a stand to support green energy, because there are many places, people, and residences in the City who simply do not have the lots and solar access to participate individually. She noted the City does not have a lot of extra land to actually install a local on the ground community solar garden so this is the City's attempt to represent the people.

Etten moved, McGehee seconded, approving the Community Solar Garden Subscription Agreement with New Energy Equity, LLC.

Council Discussion

Councilmember Etten stated this is a positive step in how they consume energy, can reduce their impact on the environment, and create energy. He thought staff and the Public Works, Environment & Transportation Commission have spent a

great deal of time talking about solar energy or various forms of it over the last couple of years and these kinds of agreements, at this point, are relatively common. He did not have a concern with this since there is not a real risk to the City as they invest and get a return on their investment. Councilmember Etten stated when and if they ever do put something on their campus, that is something people have been doing for decades and the neighboring school district and homeowners have been doing for years. Long term, he hoped to put something on top of their campus buildings or somewhere on their campus.

Councilmember McGehee agreed with all that was stated and was happy with this approach as a first step. She stated if they want to look at something on the City campus later, she would be fine with that. She liked the parking lot covers, noting it might be something the Public Works, Environment & Transportation Commission could bring back to the Council at a later time. She appreciated all of the work that has gone into this solar proposal.

Councilmember Willmus indicated he would be supporting this.

Councilmember Laliberte concurred.

Mayor Roe stated it was mentioned there is a point where the tax credits and programs that get more solar into the grid ends, and caps the amount of solar that is a percentage of the energy being generated to serve their needs in this area. He hoped that going forward, the success of these types of subscription programs actually encourage decision makers who put programs in place to look at expansion and continuation of these types of programs so they can continue to add solar, wind, and other non-fossil fuel sources into their energy generation mix. Mayor Roe stated that would be to the benefit of their community more broadly. He explained that is especially why he is more supportive of this approach, because it is paying for increased solar capacity in the system, which means less fossil fuel is used for energy generation and anything they can do to help that is encouraging.

Roll Call

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

Nays: None.

Recess

Mayor Roe recessed the meeting at approximately 8:15 p.m., and reconvened at approximately 8:24 p.m.

d. Receive the 2019 City Manager Recommended Budget

City Manager Trudgeon and Finance Director Miller briefly reviewed the recommended budget.

Councilmember Laliberte asked if the mental health officer mentioned should be on the list of department head requests not funded.

Mr. Trudgeon explained the mental health officer position was not officially submitted this year, and he thought it was pretty clear from earlier discussions with Police Chief Mathwig that it would not be funded. It was not an official request even though Police Chief Mathwig desires it.

Councilmember Willmus stated earlier in the meeting, there was discussion with Police Chief Mathwig regarding what it would cost per year to fund a patrol officer and in looking at the mental health position, at some point he would like to have an idea of what that cost would be.

Mr. Trudgeon indicated they could provide that cost information when needed.

Councilmember Etten asked how confident is staff that they will have \$450,000 to stay above their 35% threshold for reserves.

Mr. Miller stated Mr. Trudgeon and he discussed this, and determined it will be close to the 35% threshold. They only have the information through June-July and he did not think they would spend the \$681,000 that is programmed in. He thought it would be closer to \$450,000 based on the trends so far. Moving forward, one of the strategies would be to start to wean themselves off further reserves. But if it looks like they will fall below the 35% floor that the Council established, before they close the books on 2018, they will have a conversation with the Council regarding moving surplus cash from another fund into the General Fund. He thought that conversation would occur in December or January, if needed.

Councilmember Etten stated he would like to hear if there are issues sooner than January. He asked if they should put the preliminary not to exceed higher in case they are not going to make it to 35%. He also asked whether they should provide a cushion now because they will know a lot more in December when they pass the budget. If they have money in reserve pockets that the City does not need, he thinks they should have that conversation sooner. He noted they do not need to raise the levy if they have money sitting in reserves that could be used, unless they have other designations for it. He indicated he would like to have that conversation by September 24th.

Mr. Trudgeon stated they could talk about strategies and where they could potentially do that, but staff will not know those numbers until December.

Councilmember Etten stated he would like to have preliminary discussion before it is too late to do anything about it. He would like to leave the ability to respond on the table for the Council as long as possible.

Councilmember Willmus stated when they have their meeting with the Finance Commission, this is an area to which they should devote some attention. He understood some members of the Finance Commission have looked at this and all of their account balances citywide. Councilmember Willmus thought this played into the broader conversation. He agreed with Councilmember Etten's comments. If they are at or near the floor, that is something they need to know sooner than later. If there are other options out there, he would also like to know that sooner rather than later.

Councilmember McGehee agreed.

Councilmember Etten stated leaving the discussion open is easier. He added it is easier to bring down a levy later because the City cannot push a levy up.

Mayor Roe did not think that meeting their own policy floor for reserve level was one of the emergencies anticipated in State Statutes to allow them to raise a levy after they have set a maximum and therefore agreed with the suggestion of Councilmember Etten.

Councilmember Laliberte stated on the slide with Department Head requests that were not funded, there was an estimated total of \$122,000. She asked how that breaks down.

Mr. Trudgeon stated it would be an additional \$50,000 for the OVAL holiday lights, \$50,000 for Emerald Ash Borer, and \$22,000 for the Fire Department Lieutenant positions.

Councilmember Laliberte understood some local businesses were supporting the bus that is circulating and asked whether they anticipate there being a gap in order to keep that service going for residents. He also asked whether they have anticipated any costs to support some kind of alliance for the Rice Street/Larpenteur area.

Mr. Trudgeon stated the support for the Rice Street/Larpenteur project is part of the EDA budget and levy. In regard to the circulator bus, there are no direct dollars in the 2019 budget for this program. They set it up as a 6-month pilot program and could have a future conversation about.

Councilmember Laliberte agreed and would like to see this funded and self-supporting through local businesses, if possible. She just didn't want residents to be surprised if it does not continue.

Mayor Roe asked if anyone in the audience would like to comment on this item.

No one wished to discuss this item.

Mayor Roe asked for an update on all employee position changes and what the justification is from a business point of view.

8. Approve Minutes

Comments and corrections to draft minutes had been submitted by the City Council prior to tonight's meeting and those revisions were incorporated into the draft presented in the Council packet.

a. Approve July 16, 2018 City Council Meeting Minutes

Willmus moved, Etten seconded, approval of the July 16, 2018 City Council Meeting Minutes as amended.

Corrections:

• **Page 2, Line 62 (Roe)**

Correct "Auditor's Report" to "Assessor's Report"

Councilmember Laliberte stated she did not have a correction but more of an observation with the new minutes. She referenced page 3, noting that in the entire section they are talking about the questions that are going to be on the budget card and recommendations for making changes to it, but there is no wrap up of that discussion in the minutes. She thought there should be a paragraph indicating the decision made by the Council. Mayor Roe agreed the minutes did not summarize that discussion at the end of the conversation. He asked that a summary paragraph be added to the draft minutes after approval.

Roll Call

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

Nays: None.

b. Approve July 23, 2018 City Council Meeting Minutes

Willmus moved, Etten seconded, approval of the July 23, 2018 City Council Meeting Minutes as amended.

Corrections:

• **Page 2, Line 78 (Laliberte)**

Spell out Conditional Use followed by (CU) in parenthesis
Correct "CUP" to "CU"

• **Page 8, Line 332 (Laliberte)**

Correct "Window" to "Willow"

Roll Call

Ayes: Willmus, Etten, and Roe.

Nays: None.

Regular City Council Meeting

Monday, August 13, 2018

Page 22

Abstain: Laliberte, McGehee

Motion carried.

c. Approve July 17, 2018 EDA Meeting Minutes

Etten moved, Laliberte seconded, approval of the July 17, 2018 EDA Meeting Minutes as amended.

Corrections:

• Page 2, Line 86 (Roe)

Correct “from Rice Street” to “up to Larpenteur Avenue”

Roll Call

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

Nays: None.

9. Approve Consent Agenda

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action (RCA) dated August 13, 2018 and related attachments.

a. Approve Payments

Etten moved, Laliberte seconded, approval of the following claims and payments as presented and detailed.

| | |
|--------------|-----------------------|
| ACH Payments | \$933,636.06 |
| 90179-90381 | 1,057,715.76 |
| TOTAL | \$1,991,351.82 |

Roll Call

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

Nays: None.

b. Approve Business Licenses

Etten moved, Laliberte seconded, approving the Temporary On-Sale Liquor License and Cigarette/Tobacco Products Renewal.

Roll Call

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

Nays: None.

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

Etten moved, Laliberte seconded, approving the submitted purchases or contracts for services and if applicable; the sale/trade-in of surplus items.

Roll Call

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

Nays: None.

d. Certify Unpaid Utility and Other Charges to the Property Tax Rolls

Etten moved, Laliberte seconded, adoption of Resolution No. 11526 (Attachment A) entitled, "A Resolution Directing the County Auditor to Levy Unpaid Water, Sewer and Other City Charges for Payable 2019 or Beyond."

Roll Call

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

Nays: None.

e. Receive 2017-18 Policy Priority Plan Quarterly Update

Etten moved, Laliberte seconded, receiving the 2017-2018 Policy Priority Planning Quarterly Update.

Roll Call

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

Nays: None.

f. Set Date to Canvass Primary Election

Etten moved, Laliberte seconded, setting the date for a special meeting to canvass the primary election results for 12:00 p.m. on Friday, August 17, 2018.

Roll Call

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

Nays: None.

g. Award Contract for Engineering Services for Rehabilitation of Fernwood Lift Station

Etten moved, Laliberte seconded, awarding an Engineering Services Contract to Bolton & Menk, Inc., in an amount not-to-Exceed \$57,000 for engineering services for reconstruction of the Fernwood Sanitary Sewer Lift Station.

Roll Call

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

Nays: None.

h. Consider the Issuance of a Premises Permit for Hill Murray Fathers Club, Inc. to Conduct Lawful Gambling Activities at 1595 Hwy 36 W Space 1010 (Green Mill)

Etten moved, Laliberte seconded, adoption of Resolution No. 11527 (Attachment A) entitled, "Resolution Approving A Lawful Gambling Premise Permit to Minnesota Fastpitch Academy Foundation."

Roll Call

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

Nays: None.

- i. Approve a Resolution to Accept the Work Completed, Authorize Final Payment, and Commence the One-Year Warranty Period on the Parks Renewal Pathway Connections Project**

Etten moved, Laliberte seconded, adoption of Resolution No. 11528 (Attachment A) entitled, "Final Contract Acceptance Parks Renewal Pathway Project."

Roll Call

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

Nays: None.

- j. Approve a Resolution to Accept the Work Completed, Authorize Final Payment, and Commence the One-Year Warranty Period on the Dale Street Parking Lot Improvements**

Etten moved, Laliberte seconded, adoption of Resolution No. 11529 (Attachment A) entitled, "Final Contract Acceptance Dale Street Parking Lot Improvements."

Roll Call

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

Nays: None.

- k. Order Feasibility Report and enter into Professional Services Agreement for the County Road C Reconstruction Project.**

Councilmember Laliberte noted the third paragraph talks about the annual sewer lining contract and says that the City will be doing that ahead of the County's work. She wondered if that was correct or would they be doing it as part of the County project.

Mr. Clark explained they look at all sewer lining projects a year in advance and do repairs before they reconstruct the roadway.

Etten moved, Laliberte seconded, adoption of Resolution No. 11530 (Attachment A) entitled, "Resolution Ordering Preparation of Feasibility Report for County Road C Reconstruction Project."

Roll Call

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

Nays: None.

Regular City Council Meeting

Monday, August 13, 2018

Page 25

Etten moved, Laliberte seconded, awarding a professional services contract to Dahlen, Dwyer, Foley & Tinker, Inc., in an amount not-to-exceed \$15,750 for appraisal services related to the County Road C Reconstruction Project.

Roll Call

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

Nays: None.

10. Council & City Manager Communications, Reports, and Announcements

City Manager Trudgeon indicated there will be a special City Council meeting on Friday, August 17, 2018 at 12:00 p.m. The next regular meeting is August 27, 2018. He reviewed the upcoming meeting agenda with the Council.

11. Councilmember-Initiated Items for Future Meetings

Councilmember Laliberte asked how easy it would be for staff to create a report tracking progress of Council requests for staff to work on something after a meeting. She wondered if there was a way the Council could see a snapshot of where staff is at on a request and when it will be coming back to the Council.

Mr. Trudgeon thought it would be easy to pull out specific requests by the Council after each meeting and, at the very least, staff could provide a list with everyone on it. He noted that would hold them accountable for the project requested by Council.

Mayor Roe thought it might make sense to have the list as the last page of the future agenda report.

12. Adjourn

Laliberte moved, Etten seconded, adjournment of the meeting at approximately 9:15 p.m.

Roll Call

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

Nays: None.

Daniel J. Roe, Mayor

ATTEST:

Patrick J. Trudgeon, City Manager