



**Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, June 23, 2014**

1. Roll Call

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

2. Approve Agenda

At the request of a member of the public, Mayor Roe suggested removal of Consent Item 7.i entitled, "Request by Vogel Sheetmetal, Inc. for Approval of Limited Production and Processing of Sheetmetal as an Interim Use at 2830 Fairview Avenue," for discussion purposes.

City Manager Trudgeon advised that Action item 13.c entitled, "Community Development Department Request to Perform an Abatement for Unresolved Violations of City Code at 1803 Shryer Avenue," could be removed from tonight's agenda as the violations had been resolved and the property was now in compliance.

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

Roll Call

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

Nays: None.

3. Public Comment

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

4. Council Communications, Reports, and Announcements

a. Proclaim July Parks and Recreation Month

Mayor Roe read a proclamation declaring July as Parks & Recreation Month in the City of Roseville; recognizing the benefits derived from parks and recreation resources.

Willmus moved, Etten seconded, proclaiming July as Parks & Recreation Month in the City of Roseville, MN.

Roll Call

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

Nays: None.

5. Recognitions, Donations and Communications

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Mayor Roe announced “Build a Burger” for the troops, sponsored by the area Beyond the Yellow Ribbon organization, held at the White Bear Lake V.F.W. Club, south of Highway 96 on Highway 61, on the second Monday of each month from 5:00 to 8:00 p.m. Mayor Roe noted the next events were scheduled on July 14 and August 11, 2014.

Mayor Roe announced the upcoming annual community festival, Rosefest, from June 26 through June 30, 2014, in addition to events scheduled for July 4, 2014; with additional information on times, locations and registration available on the City’s website or by calling the City Hall Rosefest hotline at 651/792-7411. Mayor Roe noted that the parade was scheduled for June 30, 2014 at 6:00 p.m. and encouraged residents to participate in these annual celebrations.

Councilmember Etten noted his attendance the previous week at the annual League of Minnesota Cities (LMC) Conference; and highlighted some of the sessions he’d attended, keynote speakers, and networking with peer councilmembers and staff from other communities. Councilmember Etten offered to share more detailed information with fellow councilmembers at their request.

Mayor Roe thanked those councilmembers attending, opining that it offered an excellent opportunity to network and learn from other cities and make important connections.

Councilmember Laliberte questioned if and when the Roseville City Council was scheduled to participate in the Beyond the Yellow Ribbon “Build a Burger” event; with Mayor Roe advising that a 2014 date was yet to be determined, based on scheduling of City Council meetings on Mondays that were often in conflict with those other events.

Mayor Roe provided an update on the Comcast franchise renewal process, subsequent to all ten member cities voting to deny the formal proposal from Comcast, with informal negotiations continuing, which also included the ten member cities looking at the cable commission’s government structure and potential changes to future joint powers agreements if and when revisions are recommended. Mayor Roe advised that he would continue to report as information becomes available.

a. Accept Blue Star Award for Watershed Protection

Alycia Uzarek, with Friends of the Mississippi, briefly explained the Blue Star Award for Watershed Protection and sponsors wishing to recognize communities showing initiative in their watershed protection efforts and practices.

Ms. Alycia Uzarek provided a background of the program for storm water management and assessment by City of Roseville Public Works/Engineering Department staff in their assessment of those initiatives in core groups: storm water protection, planning, preservation, management, protection and prevention. Ms. Alycia Uzarek noted that Roseville scored high enough to reach the top ten cities, and would be included in the Leader Board on their organization’s website. Ms. Alycia Uzarek advised that the City was the 5th highest scoring city in the

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state, with only eighteen cities achieving the Blue Star Award state-wide; noting that it was a great honor for Roseville to achieve this status. Ms. Alycia Uzarek recognized Roseville's elected officials for their role in accepting the leadership role, and to Mr. Schwartz and Mr. Pat Dolan in the Public Works Department for taking the assessment and putting everything in order; as well as Ryan Johnson for completing it and carrying the work forward, along with all the City's street maintenance staff who did this great work for the community.

Ms. Alycia Uzarek presented the Blue Star Award for Excellence in Storm Water Management to Mayor Roe, and provided buttons and brochures about the program.

Mayor Roe thanked Ms. Alycia Uzarek for the recognition of efforts to protect the community and on behalf of the citizens and the City Council, expressed appreciation to staff for their behind-the scenes work.

Councilmember McGehee thanked Mr. Schwartz and his staff for the great job they did for the city every day.

6. 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. Minutes of June 9, 2014 Regular Meeting

Laliberte moved, Etten seconded, approval of Meeting Minutes of June 9, 2014 as presented.

Roll Call

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

Nays: None.

b. Minutes of June 16, 2014 Regular Meeting

As a bench handout, Councilmember McGehee submitted a memorandum dated June 23, 2014, and entitled "6/16/14 Council Meeting – Fire Station Close Out" expounding on her remarks made during that meeting, wishing them to be included as part of the official record.

Corrections:

• **Page 2, Line 1 (Roe)**

Makers of the motion were Councilmember Laliberte, seconded by Councilmember McGehee.

• **Page 5, Line 2 (Laliberte)**

Typographical correction: correct to read: "...for these students: 10-12 hours, which seemed long, and suggested that..."

• **Page 14, Lines 18 – 23 (Etten)**

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Correct sentence to read: “From his point of view, Councilmember Etten opined that he was in favor of parking the money but using more surplus, such as another \$50,000 from the License Center [*operational surplus*] reallocated to the 2015 budget; and if they needed the money, it could be reallocated from other open reserves.”

- **Page 24, Lines 32 and 37 (Etten)**
Councilmember comments should remain “Councilmember Etten” (line 32) with Councilmember Laliberte concurring (line 37) in following paragraph.
- **Page 30, Lines 10-14 (Roe and McGehee)**
Leave wording as originally shown without corrections highlighted in blue, per Councilmember McGehee.
- **Page 31, Line 16 (Roe)**
Leave as is in original draft.
- **Page 31, Lines 24-33 (Roe and McGehee)**
, Substitute language was submitted as a bench handout to replace the comments of Councilmember McGehee as follows:
“Exclusive of the added geothermal heating options costs, Councilmember McGehee expressed her offense in staff’s and Councilmember Willmus’s implications that the funding shortage was due to delay costs resulting from litigation brought by a community group. Councilmember McGehee pointed out that the overruns in the cost of the fire station were due to staff and Council decisions, not by citizens attempting to achieve a referendum on the bonding by exercising their legal rights. She contested the attribution of certain delay costs to that group.”

Laliberte moved, Etten seconded, approval of Meeting Minutes of June 16, 2014 as amended.

Roll Call

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

Nays: None.

7. Approve Consent Agenda

There were no additional changes to the Consent Agenda than those previously noted. At the request of Mayor Roe, City Manager Patrick Trudgeon briefly reviewed those items being considered under the Consent Agenda.

a. Approve Payments

McGehee moved, Willmus seconded, approval of the following claims and payments as presented.

ACH Payments	\$533,766.34
74041 – 74120	826,952.42
Total	\$1,360,718.76

Roll Call

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

Nays: None.

b. Approve Business Licenses & Other Licenses & Permits

McGehee moved, Willmus seconded, approval of business license applications for the period of one (1) year, unless otherwise noted, for applicants as listed in the Request for Council Action dated June 23, 2014.

Roll Call

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

Nays: None.

c. Approve General Purchases and Sale of Surplus Items in Excess of \$5,000

McGehee moved, Willmus seconded, approval of the submitted list of general purchases and contracts for services presented as follows; and as detailed in the Request for Council Action (RCA) dated June 23, 2014; and Attachment A entitled, "2014 Capital Improvement Plan Summary – Updated 05/31/2014."

Department	Vendor	Description	Amount	Budget / CIP
Streetscape	Gertens	Replace Boulevard Plants	\$12,000.00	Budget

d. Accept Update to Grant Applications Report

McGehee moved, Willmus seconded, receipt of the City Grant Applications update.

Roll Call

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

Nays: None.

e. Accept Update to Shared Services Report

McGehee moved, Willmus seconded, receipt of the Shared Services Report update.

Roll Call

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

Nays: None.

f. Adopt a Resolution Requesting Jurisdictional Transfer of County Road B from its Western Terminus to Cleveland Avenue

McGehee moved, Willmus seconded, adoption of Resolution No. 11158 (Attachment A) entitled, "Resolution Concurring with Ramsey County Revocation of County State and Highway Status for County Road B, CSAH 25, from its West Terminus to Cleveland Avenue and Requesting the Jurisdictional Transfer of the Roadway Segment to the City of Roseville."

Roll Call

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

Nays: None.

g. Adopt a Resolution Approving the Cooperative Agreement with Ramsey County for the County Road B-2 Sidewalk Project

McGehee moved, Willmus seconded, adoption of Resolution No. 11159 (Attachment A) entitled, "Resolution Approving the Cooperative Agreement with Ramsey County for the County Road B-2 Sidewalk Project;" as detailed in Agreement PW2014-29 (Attachment C) between Ramsey County and the City of Roseville."

h. Set Public Hearing to Consider the Transfer of an Off-Sale Liquor License to Yangsons, Inc. (Hamline Liquors)

McGehee moved, Willmus seconded, scheduling a Public Hearing on July 7, 2014, to consider transferring the rights of the Off-Sale Liquor License to Yangsons, Inc., for the remainder of the 2014 calendar year.

Roll Call

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

Nays: None.

j. Approve Creation of a Housing and Redevelopment Authority (HRA) Executive Director Position within the Community Development Department

At the request of Councilmember Laliberte, City Manager Trudgeon advised that duties of the existing Housing Program Manager would be incorporated into this new job description as one position with the Executive Director position for an expanded role in economic development and HRA strategic visioning; with no duties reallocated to other staff.

McGehee moved, Willmus seconded, authorizing the creation of the Housing and Redevelopment Authority Executive Director position at the proposed pay grade within the City's compensation plan, as detailed in the RCA dated June 23, 2014.

Roll Call

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

Nays: None.

k. Approve Land Lease Renewal for Recreational Trail along County Road C

As detailed in the RCA, City Manager Trudgeon noted the increase in lease fees, advising that staff would be looking into other options, such as purchase of the right-of-way, and their recommendation would be brought to the City Council for consideration in the future.

McGehee moved, Willmus seconded, approval of entering into an Indefinite Term Lease for Land (Attachment A) with BNSF Railway Company for the recreational trail and fencing along County Road C.

Roll Call

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

Nays: None.

8. Consider Items Removed from Consent

i. Request by Vogel Sheetmetal, Inc. for Approval of Limited Production and Processing of Sheetmetal as an Interim Use at 2830 Fairview Avenue

At the request of Mayor Roe, City Manager Patrick Trudgeon briefly reviewed this item, as detailed in the Request for Council Action dated June 23, 2014. Mr. Trudgeon noted the additional condition by the Planning Commission based on public comment at the Public Hearing, for fencing and/or plantings to protect adjacent single-family homes adjacent to the site on the north.

Councilmember McGehee advised that she had heard from some residents in the area of problems from previous stamping machine business, and their concerns with noise when doors are open during those operations. Since this use would involve a benching machine as part of their process, Councilmember McGehee suggested some accommodation be made to address any potential noise concerns.

Public Comment

Lisa McCormick (resident north of site)

Ms. McCormick submitted a written petition, *attached hereto and made a part hereof*, from the neighborhood, addressing their concerns regarding this Interim Use and potential future rezoning.

Ms. McCormick asked to clarify the points of the conditions approved and revised by the Planning Commission, where it had been made clear that the neighborhood's preference was for both fencing and trees, with staff having initially noted the potential for lights from vehicles in the back parking lot affecting the single-family residents to the north of the site. Ms. McCormick opined that a fence would also serve to address noise concerns; and with living on the eastern portion of the subject site, where there used to be a fence, she attested to the reduced impacts that would arise from having both a fence and trees in place. With the potential for rezoning in the near future, Ms. McCormick advised that residential neighbors felt strongly that there needed to be a barrier between residential and commercial properties, since there was only 50' between those uses and residential backyards against the site; and asked that language for the condition specifying "a fence 'and/or' coniferous plantings" be revised to "fencing 'AND' canopy trees." Ms. McCormick noted that the petition had twenty-four signatures, repre-

senting eighteen homes in the area; with their unanimous support of both trees and fence to be included.

Speaking to Councilmember McGehee's point about noise, Ms. McCormick advised that residents would also like doors closed during operations whenever possible to limit noise from the facility.

Councilmember McGehee sought clarification as to whether the residents were looking for summer and winter shielding, and for those plantings to be as tall as the fence when initially planted.

Ms. McCormick noted that City Code required 6', but the neighbors wanted to be reasonable, but were seeking canopy trees for year-round protection. In the context of rezoning, Ms. McCormick expressed concerns of neighbors that when rezoned, the Interim Use would terminate, and under code the property owner had one year to comply with conditions, but if rezoning took place before then, she questioned if the applicant would still be required to comply. Ms. McCormick advised that the neighbors were simply requesting that if possible, this condition survive the Interim Use and potential rezoning at which time the Interim Use would terminate.

Steve Gjerdingen, 2553 Fisk Street

Mr. Gjerdingen opined that he was not too excited about an Interim Use versus a Conditional Use; based on this being part of the Twin Lakes Redevelopment Area, and intended for re-use as a more vibrant area with better improvements for properties. With the Hagen site proposed for development as a multi-family apartment complex near this site, zoned as High Density Residential (HDR), Mr. Gjerdingen noted that this property was the only one on the east side of Terrace Drive with a gap in sidewalk. Mr. Gjerdingen asked that, as part of this approval, the City Council require that sidewalk segment to be installed at this time.

Applicant Bonnie Vogel, Owner/CEO, Vogel Sheetmetal, Inc., 10684 Lansing Avenue N, Stillwater, MN 55082

Ms. Vogel noted that the Planning Commission meeting discussion included fencing, and it was her understanding that the property would be rezoned Commercial/Mixed Use. Ms. Vogel assured the City Council and adjacent residential property owners that it was the firm's intent to beautify the property, and that they were willing to address neighborhood concerns by installing fencing and trees. However, Ms. Vogel asked for specific heights and parameters for them to meet, since this would be part of their budget and financing, and affect other plans for the property and business.

At the request of Councilmember Willmus, Ms. Vogel advised that they were willing to address neighborhood concerns and keep doors closed during opera-

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tions to the extent feasible for their business. Ms. Vogel noted that this issue had been discussed during the Open House with neighbors.

Specific to the sidewalk segment along Terrace Drive, Ms. Vogel advised that this took her by surprise, as she was not clear as to whether this was a responsibility of the City or developer.

Mayor Roe clarified that installation and maintenance of sidewalks in commercial areas were typically the responsibility of the developer and/or property owner.

Ms. Vogel noted that there was a monitoring well in that sidewalk area that the City claims ownership to, but from their property survey, appeared to be on the private property rather than public right-of-way, creating the need to make a determination on the responsible party to remove that monitoring well.

Councilmember McGehee noted that a large portion of the segment without a sidewalk along Terrace Drive was taken up by the property's driveway, which should reduce sidewalk installation costs to some extent.

Ms. Vogel recognized that; however, she asked for more specifics and why that would be required as part of this Interim Use approval process.

Councilmember Willmus noted the sidewalk along the south side of Terrace Drive from Fairview to Lincoln Drive, which served this area.

Councilmember McGehee thanked Ms. Vogel for her complete notes, including questions and responses, provided as written record of their open house.

Mayor Roe thanked Ms. Vogel for providing their firm's perspective of the project.

Councilmember Willmus stated that he was in support of adding language to the recommended Condition A to reference "fencing, plantings, and landscaping" and an added condition that "doors be closed during periods of operation.

Willmus moved, Etten seconded, Resolution No. 11160 (Attachment F) entitled, "A Resolution Approving a Temporary Limited Production and Processing Facility as an Interim Use at 2830 Fairview Avenue (PF14-012);" *amended as follows:*

- *Condition A, revise language as follows: "The applicant shall install opaque fencing of 6' to 8in height, coniferous plantings [AND] landscaping along the northern edge of the property; and..."*
- *Add Condition C: "Doors shall be closed during periods of operation."*

Senior Planner Bryan Lloyd noted a typographical error in the draft resolution (Attachment F), line 34, amending, the first line of Item "a" (page 2 of 4) to

read as follows: "The proposed limited production and processing use would [NOT] be expected to have..."

At the request of Councilmember McGehee, Councilmember Willmus clarified with agreement by Mayor Roe that, as typically done during the process, staff would work with neighbors and the business owner to work out details, such as type of trees, landscaping, and fencing to be installed.

Regarding installation of a section of sidewalk along this property, Councilmember Willmus noted that this application was for an Interim Use of an existing facility; and with an existing sidewalk along the south side of Terrace Drive, an installation of sidewalk would be quite expensive for this owner in addition to other improvements they've already committed to for the property. Councilmember Willmus opined that the existing sidewalk served the neighborhood.

Regarding buffers between residential and commercial properties along this area, Mayor Roe noted the need for a broader discussion in the near future across the entire zoning district; at which time any discussion of additional sidewalk segments would be more appropriate.

Roll Call

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

Nays: None.

9. General Ordinances for Adoption

10. Presentations

a. Receive Presentation on Community Solar Projects

Recognizing citizens in the audience who may wish to speak regarding this issue, Mayor Roe noted that this was very preliminary information at this time for Council consideration; and therefore, he would limit public comment at this point and reserve that opportunity at future discussions.

Public Works Director Duane Schwartz introduced the speakers: Mr. Kim Habey, MN Department of Commerce – Division of Energy Resources – Made in Minnesota Solar Program Coordinator, and Melissa Pawlisch, Metro Clean Energy Resource Teams (CERTS).

Mr. Kim Habey, MN Department of Commerce – Division of Energy Resources – Made in Minnesota Solar Program Coordinator

Mr. Habey provided 2013-2014 solar legislative highlights and tax bill amendments for solar energy production exemptions for solar photovoltaic devices and property classification for larger projects for counties, municipalities and townships. Mr. Habey noted a study currently underway of energy producing systems

with recommendations based on that study scheduled for completion and release in February 2015.

Mr. Habey addressed the specific “Made in Minnesota” program he was charged with coordinating, supporting made in MN photovoltaic (PV) devices, with additional information available at www.mn.gov/made-in-minnesota. Mr. Habey advised that municipal applications for this program would be accepted from January 1 – February 28, 2015, providing for a one-time rebate of 25% of installed costs and eligibility for federal tax credits of up to 30% of overall costs.

Mr. Habey further noted the Xcel Energy Solar Rewards program available from 2014 through 2018 with a 60-day window to accept applications on a first come, first served basis for commercial or residential properties, with the size limited to 120% of on-site energy consumption of those customers. Specific to municipal interest, Mr. Habey reviewed financing terms and supplement funding sources identified as part of the Property Assessed Clean Energy (PACE) program. Specific to the Guaranteed Energy Savings Program (GESp), Mr. Habey noted that this provided a before/after improvement energy assessment for renewal and/or solar energy savings in repaying the improvement and maintenance cost-savings in an effort to “reduce, renew and achieve.”

Mr. Habey reviewed various private financing types and examples for leasing public rooftops to organizations through a power purchase agreement; capital sale leasebacks; a lease system from an LLC for 5-6 years when ownership would then change; or leasing property for a community solar garden to a private entity; or financing directly through a bank loan.

In conclusion, Mr. Habey announced the upcoming annual national conference to be held in St. Paul this year (July 29 – 20, 2014); with the Department of Commerce sponsoring it; and scholarships available for staff to attend. Mr. Habey noted that more banks were becoming interested in loans for solar installations.

If the City of Roseville chose to become a solar ready community, Mr. Habey suggested that they work with CERTS and apply to be part of the \$1 million grant over the next three years; with the Department of Commerce’s goal to designate forty MN communities as solar ready communities. Mr. Habey advised that grant funds provided for planning, permitting, economic development and solar mapping; as well as working with utilities and other areas for public engagement to identify any obstacles; review public and private financing mechanisms; and determine solar opportunities in a community, encouraging those property owners to install solar.

Contact information: Kim.Havey@state.mn.us – 651/539-1761

Melissa Pawlisch, Metro Clean Energy Resource Teams (CERTS)

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Ms. Pawlisch reviewed the mission of CERTS for community shared solar, advising that they were based at the U of MN campus, working directly with the Extension Service on regional sustainability issues. Ms. Pawlisch advised that CERTS was here to help as an independent consultant, and to connect individuals, local units of government and communities with community solar gardens.

Ms. Pawlisch reviewed various PV solar systems, and how they worked, with centrally-located systems providing electricity to participating subscribers and voluntary shares credited on utility bills as long as the subscriber is a customer of the same utility company, and up to 120% of usage for a solar garden subscription.

Ms. Pawlisch reviewed various options or “players;” subscribers (individuals or groups who get solar power); developers (the primary group organizing a solar garden); host site (location where solar garden is installed); finance (sources of financing for a solar project); utility (the electric provider where solar garden is located); site assessor (an expert that studies solar garden locations); installer (an expert that installs the solar garden); and outreach partners (groups that find subscribers to participate in the community solar garden).

Ms. Pawlisch advised that CERTS was currently in the process of continuing to collect questions across the state, all of which were posted and updated weekly with responses and additional information, on their website. Ms. Pawlisch advised that part of that information included a review of current projects and links by utility territories. Ms. Pawlisch reviewed the tentative timeline for Xcel Energy’s program, with pending consternation around rates.

Contact information: <http://SolarGardens/MnDERTS.org>

Councilmember Laliberte thanked presenters for their presentations and great information, and asked for copies of both presentations for further City Council review.

Discussion among presenters, staff and Councilmembers included the number of panels and types based on manufacturer of solar modules needed for a typical single-family home; and potential interest of the City Council in pursuing this opportunity further.

Councilmember Willmus asked Ms. Pawlisch what the next step would be if the City Council wished to pursue this option.

Ms. Pawlisch responded that CERTS was available to discuss information and move forward to facilitate the City’s priorities and needed resources, and who to approach to do so. Ms. Pawlisch advised that CERTS was in the process of compiling a potential work group, or learning circle, with individuals then available to

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work with respective jurisdictions to facilitate the next steps, on a case-by-case basis specific to their needs.

Mayor Roe suggested this topic may be appropriate for discussion at tonight's joint discussion with the Public Works, Environment and Transportation Commission (PWETC).

Councilmembers confirmed with Mr. Schwartz that he would pursue the scholarship opportunity offered by Mr. Habey for the upcoming annual conference in St. Paul, MN.

Ms. Pawlisch offered to e-mail additional information to Mr. Schwartz about the conference as well.

Specific to the question of next steps, Ms. Pawlisch reviewed various options to consider: how to create a solar ready community, grant funding from the Department of Energy and enrollment of Roseville in that application; review of the City's current permitting and zoning processes, and policies on economic development and other situations; availability of detailed solar mapping already done by the University of MN; and financing options. Ms. Pawlisch advised that part of CERTS assistance could review the City's current zoning and permitting codes to see if they were or could be made easier for businesses and residents. Ms. Pawlisch stated that both the Mr. Habey with the State of MN and staff at CERTS were available to facilitate the process for the City and address an orderly solar program throughout the community.

Councilmember Laliberte opined that the City needed to pursue research and data gathering through working with the PWEC to put options out to the community for their input as well.

Councilmember McGehee noted previous consideration given by a previous City Council to install a solar array on City Hall, which apparently didn't become available due to a lack of Xcel Energy funding. Councilmember McGehee opined that there were a number of commercial establishments in Roseville that would welcome this opportunity; and suggested some of the new park buildings may be an option to accommodate such a solar garden, if not other opportunities available in the community.

Public Comment

Mayor Roe invited limited public comment at this time, as previously noted.

Sara Barsell, 1276 Eldridge Avenue

Ms. Barsell advised that she was involved with a group of residents who were very interested in solar opportunities in the community; and in the past had made an effort to bring experts to the City Council, with others readily available to add to that data gathering process. However, Ms. Barsell asked that the City do so in

a timely fashion, and urged the City Council to make a resolution tonight charging the PWETC and staff to start working on this yesterday, and gather as much information as was needed. Ms. Barsell referenced three churches in Roseville already working on solar installations; and asked that the City Council take advantage of public interest and the community drive now in order to not lose out on opportunities available.

Dale Howey, Owner of a “green rental business”

As the owner of several lots in Roseville, Mr. Howey advised that he was currently building a “zero energy home” on one of them. Mr. Howey opined that there were many business people in the community who saw this as an urgent matter, and were seeking confirmation that the City had their back on this. Mr. Howey expressed his excitement in the solar opportunities available and those being discussed tonight.

Susan Weum, 1176 Skillman Avenue W

Ms. Weum advised that her home was the first officially permitted solar system in Roseville following City Code revisions allowing it, recognizing the continued progressiveness of the City of Roseville. Ms. Weum noted that they had twenty solar panels installed on their roof, and noted their pride and satisfaction in knowing they were using less energy than in the past through this type of innovation.

At the request of Councilmember Laliberte, Mr. Habey addressed how the City of Roseville could provide their commitment to the Department of Commerce to work cooperatively on solar market pathway projects.

Mr. Habey advised that, during the interim, staff could be directed by the City Council to provide a letter of support for this grant round, with the final application date of July 11, 2014, and anticipated award announced in August of September by the Department of Energy. Mr. Habey opined that they had a good chance for award, as MN was ranked third best market for solar in the country by the National Solar Energy Association. If the grant was successful, Mr. Habey advised that the Department could then begin working with communities late in 2014 and into 2015 on the next steps. Mr. Habey stated that a letter of support from the City of Roseville would help their grant application secure that funding; and confirmed that preference would be given to those initial forty communities providing that commitment as part of the initial proposal and list of priority communities for them to work with.

Mr. Habey advised that, among others, the Cities of Woodbury, St. Paul, Minneapolis, and Rosemount were participating; and the City of Roseville was in the perfect position to do so as well. Mr. Habey noted that Xcel Energy was of the size to make things happen, and was also the most experienced firm in working with larger solar generation options. Mr. Habey suggested that the City of Roseville was of the perfect size to demonstrate nationally such an opportunity; and

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one of the goals of the Department of Energy was for deployment of the program across different sized municipalities.

Laliberte moved, Willmus seconded, authorizing staff to submit a letter of support on behalf of the City of Roseville for the Department of Commerce's grant application.

Roll Call

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

Nays: None.

Councilmember Etten suggested to direct staff and the PWETC to continue pursuing avenues for solar energy.

Mayor Roe suggested such action await discussion during the upcoming joint meeting of the City Council and PWETC.

Recess

Mayor Roe recessed the meeting at approximately 7:44 p.m. and reconvened at approximately 7:51 p.m.

b. Public Works, Environment & Transportation Commission (PWETC) Joint Meeting

Mayor Roe welcomed the PWETC, with those present including Chair Stenlund; Vice Chair Steve Gjerdingen; and Members Joe Wozniak; Duane Seigler; and Brian Cihacek.

Chair Stenlund thanked retired Commissioners Jim DeBenedet and Jan Vanderwall for their invaluable service and expertise to the PWETC; and thanked the City Council for providing the Recording Secretary services of Sheila Stowell for their Commission, and recognized Public Works Director Duane Schwartz and his staff keeping the PWETC on track.

While questioning the enlargement of the Commission from five to seven members, Chair Stenlund opined that the PWETC represented a very interesting, knowledgeable, and diverse group, with varying interests.

Chair Stenlund reviewed the activities and accomplishments since the last joint meeting; a work plan for the upcoming year; and discussion points, questions or concerns of the PWETC for the City Council's response tonight, as detailed in the RCA dated June 23, 2014.

Chair Stenlund noted the most-attended PWETC meetings of the year included the Pathway Master Plan Update, County Road B Pathway, and Solar Energy presentations and discussions. After summarizing those items listed on the RCA,

Commissioner Wozniak noted State mandates for communities to develop organic management or collection by 2016, with Ramsey County now moving into grant

programming to encourage businesses to recover organics with containers and start-up grants to increase recycling efforts. Recognizing that organics would be a future discussion at the PWETC level, Commissioner Wozniak asked if the City Council was interested in cooperating with Ramsey County for organic collection in conjunction with leaf site drop-offs. However, Commissioner Wozniak noted that six of the seven county collection sites were participating, with the exception being the Arden Hills site, which may be the site used by Roseville residents due to its proximity to Roseville.

In response, Councilmember Willmus noted the option for organic collections built into the Eureka Recycling contract as confirmed by Public Works Director Schwartz; and suggested that be part of those discussions as well.

Councilmember McGehee noted her puzzlement with the location of the Roseville compost site on the edge of a wetland, with runoff leaching into it.

Commissioner Wozniak advised that the Minnesota Pollution Control Agency (MPCA) had recently approved new rules for yard waste sites; and expressed his confidence that Mr. Schwartz and his staff would look into the current site to see if any changes/improvements needed to be made in that operation. However, Commissioner Wozniak advised that organic collections were placed in a dry, lockable container to be removed when full, without processing, and then dropped off and taken off-site for processing elsewhere, but not at the collection site itself.

Chair Stenlund asked the City Council for their individual and corporate direction to the PWETC for focus.

Councilmember McGehee suggested that the PWEC look at current City policies specific to solar installations on residential sites; and whether trees and/or plantings on adjacent sites can be monitored and enforced to avoid blocking solar capabilities on adjacent properties. Councilmember McGehee also asked the PWETC to look into pavement lamination issues, and their feedback on the causes of that problem, since it was becoming more significant.

Councilmember Willmus expressed his interest in exploring organic collections, and opportunities with the current recycling vendor. Councilmember Willmus expressed his interest in solar gardens, and asked the PWETC to take an initial look at existing ordinances specific to solar arrays and installations, and any limitations or areas needing review (City Code, Section 1011.10). Specific to snow and ice control measures, Councilmember Willmus opined that some of the chemicals currently in use may be reaching a stage where they were or could be prohibitive, and suggested that refocusing on mechanical means for snow removal may be needed, especially at high traffic intersections (e.g. Rice Street). Councilmember Willmus noted that during the winter of 2013/14 Ramsey County had resorted to a motor grader to remove ice from certain areas; and asked the PWETC to look into whether that may need to be part of the future equation.

Councilmember Etten expressed his personal appreciation for the important role of the PWETC and the work they produced through their recommendations to the City Council. Councilmember Etten spoke in support of looking at organic collection and a plan for city-wide implementation to meet 2016 requirements and mandates, and whether new agreements were needed with haulers and recycling vendors, and how that process would work for the City, since it was coming up quickly. Councilmember Etten spoke in support of the solar opportunities, but wanted to make sure the option for community solar gardens and neighborhood aspects were taken into consideration, as well as whether installed on public or private property, the direct involvement of the City in conjunction with the needs of the community. Councilmember Etten referenced the comments of Commissioner Gjerdingen during the Vogel Sheetmetal discussion earlier this evening regarding the need to address smaller missing sidewalk segments throughout the community (e.g. County Road B and Dale Street), and areas near apartment buildings are located along major roadways with no sidewalks available to connect residents with public transportation, requiring them to walk on the street. Councilmember Etten noted that this may only involve a 2-3 block segment, but was necessary for the public safety in high impact areas, to complete those connections. Councilmember Etten suggested pursuing opportunities to work with other agencies and/or jurisdictions, such as Ramsey County Livable Communities, to complete those pieces to make them whole.

Mayor Roe concurred with Councilmember Etten's suggestions related to sidewalk connections.

At the request of Chair Stenlund, Mayor Roe confirmed that the City Council supported the "Green Streets" or "Complete Streets" programs, and had pursued that goal in approaching street and zoning actions over the last several years, even if not doing so specifically by name.

Councilmember Laliberte recognized the major amount of work accomplished by the PWETC over the last year and their ambitious work plan; expressing her desire to provide sufficient direction to pursue that work plan. Councilmember Laliberte advised that she was the one advocating for expanding the membership of the Commission given the scope of public works activities and age of the City and its infrastructure. Councilmember Laliberte opined that the more people working on issues the better for residents. Specific to her priorities for the PWETC, Councilmember Laliberte spoke in support of moving forward on community solar gardens and other solar opportunities to make the City Council and staff aware of what could be offered to residents. Councilmember Laliberte agreed that pathways remained a big deal for residents, affirmed repeatedly by community survey data, and their inclusion on various agendas, whether the Planning Commission, PWETC or City Council, for recreational as well as commuting to jobs in Roseville; and offered her support in continuing to pursue that im-

portant issue community wide. Councilmember Laliberte also agreed that ice control was a safety issue and the PWETC should pursue how to fund alternative materials and decide how to focus on intersections specifically, since those were the most dangerous areas for residents during extreme weather situations. Given the age of the community, Councilmember Laliberte also supported infrastructure as an ongoing priority to remain ahead of the curve, and sufficient reserves in place to take care of those needs. Specific to organic collection, Councilmember Laliberte recognized that the issue was coming up soon, and the PWETC should not delay in providing the City Council with alternatives of what was needed to comply with those mandates.

Specific to recycling, Councilmember McGehee expressed her interest in a report on how the single sort system was working, opining that from her experience helping elderly neighbors, there seemed to be more residuals going into. Councilmember McGehee suggested more outreach and education was needed in larger senior housing facilities to encourage them to recycle, and also outreach related to organic collection, opining that that generation seemed to her to be shockingly wasteful. If ways could be found to do that collection process in Roseville better, Councilmember McGehee stated that she'd be very interested in hearing ideas. In an effort to keep sodium chloride off streets and out of the water system, Councilmember McGehee suggested heating intersections with solar arrays. Councilmember McGehee expressed her concurrence with fellow Councilmembers on other priorities already expressed; but reiterated her support to reach out to larger multi-family units to encourage recycling efforts.

Councilmember Etten opined that, while extra things may be ending up in recycling bins, the single-sort system was proving hugely popular in the community from what he was hearing repeatedly, with more people recycling more items, creating a huge boon for recycling efforts. Councilmember Etten supported an interim report as part of that process; and suggested that the PWETC pursue expanding recycling to churches, who had already shown great interest, along with businesses and multi-family apartment buildings; and how to set up an infrastructure to allow that and help it succeed. Councilmember Etten referenced the Minnesota Green Step Program, as part of his information from attending the recent LMC annual meeting, with several neighboring communities (e.g. Falcon Heights, St. Anthony Village and White Bear Lake, among others) already at step three in the process, involving solar. Councilmember Etten suggested the PWETC should look into that Green Step Program to determine the City of Roseville's progress to-date and what other good things could be done as part of that process for the community.

As a long-time advocate of single-sort recycling collection, Councilmember Willmus referenced the original PWETC recommendation in 2005 and delayed implementation nine years later. On a personal note, Councilmember Willmus noted that his family had found the 60 gallon cart too small, requiring them to

move to the larger sized bin, basically due to the reason they didn't recycle paper before as it ended up blowing out of the previous curbside collection bins, requiring him to collect it again from the neighbors shrubs. Councilmember Willmus expressed his appreciation of the enclosed carts and their convenience; and agreed that while there may be a greater amount of residuals ending up in the carts, overall, it was bringing in a significantly higher amount of materials. Councilmember Willmus advised that one thing he'd asked about repeatedly early on was for a tour of Eureka's facility; and asked the PWETC to facilitate pursuing the opportunity. Specific to infrastructure needs, noting the unusual winter of 2013/14, Councilmember Willmus asked the PWETC to continue looking at various aspects with water service freeze-ups, and to explore options outside hiring other than welders to address those freeze-ups and mitigation options for the City to keep services available to customers and residents.

Specific to ice control, Mayor Roe noted one of the reasons sodium chloride was so widely used was because it was an inexpensive option. While recognizing that the City already worked with other entities in cooperative purchasing of materials, Mayor Roe suggested that the PWETC explore working with other entities to create a market for alternatives to reduce prices for other materials. Mayor Roe supported a solar ready community garden approach, providing a holistic approach to solar community-wide, opining that the PWETC's involvement in the process and gathering public input and follow-through should be part of their role. Mayor Roe noted that, during the Capital Improvement Program (CIP) process, the pavement condition index (PCI) currently used continued to stand out due to past versus current availability of gas tax receipts and reduced funds creating funding crises for street repairs and maintenance. Therefore, Mayor Roe suggested a review of that PCI standard now and how long-term maintenance and annual expenditures and funding needed to be addressed: how to do more with less. Mayor Roe opined that part of that needed to include whether to consider assessing benefitting properties due to continually inflated costs for the Pavement Management Plan (PMP) fund; and less interest earnings from those endowment funds now compared to in the past, limiting projects and impacting future infrastructure needs; asking that the PWETC give that serious consideration for recommendation to the City Council.

At the request of Councilmember McGehee, City Manager Trudgeon clarified that the City worked in the recent past with University of Minnesota - Mankato students on an inventory as part of the Green Step Cities program; and while it was completed, it now needed qualification before bringing it forward to fruition.

Mayor Roe and Councilmembers thanked the PWETC for their work and volunteering their time and expertise; looking forward to their reports and recommendations in the future.

Recess

Mayor Roe recessed the meeting at approximately 8:21 p.m. and reconvened at approximately 8:26 p.m.

11. Public Hearings

a. Consider the Transfer of an Off-Sale Liquor License to JE Roseville Liquor 2014, LLC (Cub Liquor)

Finance Director Chris Miller briefly summarized this request for transfer of an Off-Sale Liquor License, as detailed in the RCA dated June 23, 2013.

Mayor Roe opened the Public Hearing at approximately 8:28 p.m.

Public Comment

Don Dickerson, 2121 Cohansey Boulevard

Mr. Dickerson opined that JE Foods had been a really good addition to the City of Roseville, and represented a very finely-run entity; very clean with upstanding people working there. Mr. Dickerson further opined that his only concern was that this entity would continue to maintain their high quality of standards versus others in the metropolitan area that appeared rundown.

Mayor Roe closed the Public Hearing at approximately 8:30 p.m., with no one else appearing for or against.

Approve/Deny the Transfer of an Off-Sale Liquor License to JE Roseville Liquor 2014, LLC (Cub Liquor) (Action Item 13.a)

Willmus moved, Etten seconded, approval of the transfer of the Off-Sale Liquor License from RBF, LLC of Wisconsin to JE Roseville Liquor 2014, LLC, effective on or around July 16, 2014 upon the close of the sale, and for the remainder of the 2014 calendar year.

Roll Call

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

Nays: None.

b. Consider the Transfer of an Off-Sale 3.2% Liquor License to Diamond Lake 1994, LLC (Cub Foods)

Finance Director Chris Miller briefly summarized this request for transfer of an Off-Sale 3.2% Liquor License, as detailed in the RCA dated June 23, 2013.

Mayor Roe opened and closed the Public Hearing at approximately 8:31 p.m., with no one appearing for or against.

Approve/Deny the Transfer of an Off-Sale 3.2% Liquor License to Diamond Lake 1994, LLC (Cub Foods) (Action Item 13.b)

McGehee moved, Willmus seconded, approval of the transfer of the Off-Sale 3.2% Liquor License from RBF, LLC of Wisconsin to Diamond Lake 1994, LLC, effective on or around July 7, 2014 upon the close of the sale, and for the remainder of the 2014 calendar year.

Roll Call

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

Nays: None.

12. Budget Items

13. Business Items (Action Items)

d. Community Development Department Request to Issue a Ramsey County Court Citation for an Unresolved Violation of Roseville's City Code and Zoning Ordinance at 2121 Cohansey

Codes Coordinator Don Munson reviewed current code violations at this single-family home located in a residential neighborhood, with records indicating the property is owned by Donald & Sonia Dickerson, currently residing in the home.

Mr. Munson provided a status update, including photos, and advised that a portion of the home's exterior remained unfinished since a remodeling project was begun in 2003, and again in 2005 (violation of Roseville Building Maintenance and Preservation Code, Section 906.05.C), resulting from complaints about the appearance from neighbors. Mr. Munson noted that staff had sent notice to the property owner a number of times, with the latest notice on January 15, 2014, requesting completion of the exterior wall by June 1, 2014. Mr. Munson advised that subsequently the property owner had done some stone work since the last notification before tonight's proposed action; and therefore he requested a motion to authorize staff to proceed include an accommodation allowing the property owner up to three weeks to complete the work before the citation process was initiated with Ramsey County.

Mr. Monson advised that the property owner was in attendance at tonight's meeting and may like to comment.

At the request of Councilmember Etten, Mr. Munson advised that it was hoped that resolution would occur before staff proceeded.

Mayor Roe suggested any delay in action be discussed by the full Council during tonight's review of the situation.

Discussion ensued regarding the type of stone veneer material being used; and how long was reasonable to allow the property owner to complete the work and if three weeks was sufficient for him to do so at a reasonable pace.

At the request of Mayor Roe, City Attorney Mark Gaughan provided a brief description of the Citation process, and three-month time frame for an arraignment date to be set for this criminal process, with the potential timeframe from initiation of the complaint to jury trial from six to nine months. City Attorney Gaughan further reported that the City Attorney's office can rescind the process at any time; as typically resolution of certain conditions and violations occurred during the process, and the citation could be dismissed and not applied as a conviction on a person's record; and the record could also be expunged as applicable.

Property Owner Comments

Don Dickerson, 2121 Cohansey Boulevard

Mr. Dickerson provided a photo bench handout, *attached hereto and made a part hereof*, of his progress to-date in resolving this issue. As a twenty-five year resident of Roseville and father of five, Mr. Dickerson advised that he and his wife Sonia strived to improve their home continually, with the added intent to resolve continuing home drainage issues, which unfortunately was still occurring with recent rain events.

Mr. Dickerson advised that he had originally intended to apply a Chilton brand stone application to the home's exterior, but with the downturn in the economy, the vendor had closed and he had difficulty finding a replacement source, leaving him in a quandary. To add to that problem, Mr. Dickerson noted that his job hours had been reduced during that economic downturn and with other family responsibilities and financial needs, it had limited discretionary spending. However, Mr. Dickerson advised that he had been able to find a new source for the material, and now estimated that the project was about 40% complete, as evidenced in his photo submittals.

Mr. Dickerson respectfully asked that the citation be delayed, recognizing that he was an individual trying to better his community and attempting to be a good steward by helping others, and embarrassed that he was in this position before the City Council.

At the request of Mayor Roe, Mr. Dickerson responded that he anticipated that the three week deferral would provide sufficient time to complete the project, as he had the product on site at the time he'd received notice of the violation; and had moved forward as time allowed. While he found staff's estimate of the costs to complete the project and square footage involved, Mr. Dickerson opined that he could meet that three-week timeframe, even if it took additional financial outlay on his part.

Mayor Roe expressed the City's appreciation of Mr. Dickerson's willingness to do so.

In driving by earlier today, Councilmember Willmus opined that the work looks good; and asked staff for the regular City Council meeting dates scheduled in July.

City Manager Trudgeon advised that meetings were scheduled on July 7, 14 and 21, 2014.

At the request of Councilmember Willmus, Mr. Dickerson committed to completing the project by July 21; stating that he takes pride in the work he did, and was confident he could meet that deadline.

Willmus moved, McGehee seconded, TABLING action on this code violation at 2121 Cohansey until July 21, 2014.

Roll Call

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

Nays: None.

c. Request by Arthur Mueller, Owner of the Residential Property at 2201 Acorn Road, for Approval of a PRELIMINARY PLAT of the Property into Four Lots

Bench handouts included Attachments D, E and F erroneously omitted from the initial RCA and packet materials previously distributed; and a larger print version of the Site Plan (Attachment C). One additional attachment included a response from Vivian Ramalingam to Roseville City Councilmembers in response to the June 4, 2014 e-mail from Trudi Martinco, (a part of Attachment F),

Senior Planner Bryan Lloyd briefly reviewed the request, as detailed in the RCA dated June 23, 2014; and displayed the proposed site plan. Since the Planning Commission Public Hearing on this matter, Mr. Lloyd advised that a traffic count study had been completed, justifying previous findings that the proposed three homes would not severely impact Acorn Road, designed for a significantly higher capacity than it now experienced, or would with this proposed subdivision. Mr. Lloyd advised that staff concurred with the Planning Commission's recommendation and condition included in the RCA. Mr. Lloyd also reviewed the preliminary tree preservation plan provided by the applicant, which the applicant's engineers had attempted to overlay on the grading plan, in a very preliminary way to address proposed changes in grade (Attachment C).

At the request of Councilmember Willmus, City Engineer Marc Culver was asked to address proposed infiltration basins on the west and their outflow into neighboring properties, as well as the location and outflow and overflow plan for the east side infiltration basins.

City Engineer Marc Culver

Mr. Culver responded that the infiltration basins, providing two effective outlets, were planned as under drain systems at the bottom of the basins, and based on the

very low pervious soil (e.g. clay) in this area, would address drainage since the soil limited permeability. Mr. Culver advised that these systems connected to the City's storm water system on Acorn Road, and the overflow structure on the east side of the infiltration basins would accommodate emergency overflow if something happened with the catch basins or the storm sewer system became overwhelmed. Mr. Culver further noted that the north side flowed toward Little Oak and Acorn Road, with the other basin on the southwest side of the infiltration pond flowing south and west along the proposed grading contours.

Councilmember Willmus asked if the basins on the west side of the property physically connected to the City's storm sewer; whether there was any maintenance agreement in place to address the proposed basin straddling lots 2 and 3; and how common it was to have outflow of drainage basins flow into neighboring properties versus into an adjacent stormwater facility.

In response, Mr. Culver advised that the basins on the west side were not physically tied into the City's system on the west side, and given rear yard elevations and elevation of Acorn Road, they would overflow into the overland drainage on the west side. Mr. Culver further advised that, with any Best Management Practices (BMP) stormwater mitigation effort, the City required a maintenance agreement, which was still under discussion with the developer, and would be negotiated as a standard part of the future public improvement contract, addressing how private properties maintain stormwater BMP's. On the east side, Mr. Culver clarified that maintenance would become the City's responsibility under the blanket public agreement(s) with the applicable watershed district. Regarding how common it was to have drainage basin outflow into surrounding areas, Mr. Culver advised that he could not speak to the "normal" of existing private stormwater BMP's, but estimated that there were a number of them outflowing into existing storm water systems throughout the community, and many which may run into gardens with curb cuts not having a storm water pipe overflow available. Mr. Culver noted that this drainage plan would follow pre-existing drainage patterns before installation of a rain garden, and not uncommon for public BMP's to have that stormwater overflow as previously noted in such a pattern.

Councilmember McGehee expressed her familiarity with that lot and the particular basin referenced by Councilmember Willmus, opining that it was the existing low point of that lot. Councilmember McGehee questioned, with the proposed intent to add significant impervious surfaces higher than current surfaces, whether the problem would be exacerbated. Councilmember McGehee questioned the City's ability to track our rain garden BMP's and how to evaluate their efficiency and certify them, or enforcing private owners to make periodic repairs or upgrades in maintenance when there are known failure.

Mr. Culver responded that staff was in the process of assembling an inventory of all existing private BMP's, as well as public storm management facilities and mit-

igation efforts, to accomplish better data to monitor and enforce maintenance responsibilities. Mr. Culver advised that, even with stormwater credits previously provided, staff felt that a recertification process was prudent coupled with maintenance agreements requiring responsible parties with private BMP's to certify they are still working and being maintained. Mr. Culver advised that this was part of the City's efforts for long-term assurances that private BMP's are held to certain standards and receive periodic inspections, and follow-up if they are found not to be properly maintained or a process for the City to perform that maintenance if necessary and charge costs to the private property owner as applicable. Mr. Culver admitted this was an ongoing process from an informal to a more formal process to provide that follow-through and inspections to keep those storm water drainage efforts up to a certain standard as mandated by city code and watershed district and regulations under new storm water permitting requirements.

At the request of Councilmember McGehee, Mr. Culver advised that the City didn't have specific information yet on all private BMP's installed to-date and how effective they remained today; but the City did have an idea of how they were intended to function, and if well-maintained their continued functionality. Mr. Culver admitted that a better method was called for, and therefore being developed by staff to address that long-term monitoring and inspection process.

Councilmember Etten advised that he was the one requesting the tree preservation overlay with the proposed grading plan, and thanked staff and the developer for providing that. Councilmember Etten opined that he saw no way that a majority of the trees could be preserved (e.g. northeast corner) when the grading came so close to some of those mature trees in a number of areas, especially with the significant grading proposed for the property. From his perspective, Councilmember Etten opined that the tree save areas were not realistic.

Specific to storm water drainage, Councilmember Etten asked staff how confident they were that it would not overflow into adjacent yards on the south side, as there would be less of an area for it to run, creating a faster flow, and more impervious surface added.

Mr. Culver responded that curb and gutter installations would control some runoff into stormwater drains, specifically the cul-de-sac runoff, and would alleviate existing runoff for the total square footage area. Mr. Culver noted that there would be increased impervious surfaces from roof drains, but depending on how they were oriented and steepness of the slope and contouring, staff would continue to work with the developer to guide runoff into pre-existing drainage patterns to the west side and low area in the back if the water traveled at a faster pace after redevelopment.

Mayor Roe asked if there had been any accounting done to oversize the western and southwestern areas to address drainage and respond to neighborhood concerns.

Mr. Culver responded that the total amount of flow was being reduced in the southwest area, and in modeling used and in addressing the property to the south, it was for 24 hour/100 year rain events for 7.4 inches over that 24-hour period, even though some more recent rain events were more intense during a shorter interval. In those cases, Mr. Culver opined that overflow would occur into adjoining properties to the south; but staff still contended that it would be less runoff than what was experienced last week, but not modeled in this analysis.

At the request of Councilmember Willmus, Mr. Culver confirmed that modeling did not consider saturation rates currently being experienced.

When he considered current conditions with saturated ground and overflow, and in reviewing the three drainage basins on the southern half of the parcels currently overflowing into neighboring properties, Councilmember Willmus questioned how the southern basis on Acorn Road would flow with the new development.

Mr. Culver responded that emergency outflows would drain to the south, with the existing swale on the southwest side draining south and west, and would continue to do so.

Property Owner and Developer Art Mueller, 2201 Acorn Road

Mayor Roe offered Mr. Mueller an opportunity to comment in support of his application.

Mr. Mueller opined that, from his understanding in reviewing the drainage plan with City staff and his engineer, the proposed storm water management system was oversized; but advised that meetings were ongoing to finalize the plan in the future. Mr. Mueller assured all that less water would be leaving the property with this proposed development than now existed; with most additional runoff only coming from roofs toward the backside and the natural slope currently there.

Mr. Mueller referenced a section of property of between 4' and 8' between his property and an adjoining property that was incorrectly surveyed by both Hennepin and/or Ramsey Counties, indicating that it was 10' off at County Road B, and creating a "hump" between the two yards that was shown on this property, but having a telephone pole in place there and actually on his back line. Mr. Muller opined that the neighbor's shed on the southeast corner was over his lot line due to this error rather than being 5' off the lot line, but thought to be when built by the adjacent owner. Mr. Mueller noted that both survey markers were in place, but with the hump in place, the water would not be able to flow uphill. Mr. Mueller clarified that the lowest piece of property was on the far southwest cor-

ner, which was not his; and the northwest corner dipped in the middle and was Mr. Mackey's yard, those were the areas that filled with water. Mr. Mueller noted that those areas filled in the winter, and when frost went out, had between 4-5' of water in them, which disappeared in approximately one day, remaining dry the rest of the year. Regarding water running along the south side, Mr. Mueller opined that Mr. Romanowski's home was 7' higher than the proposed pond, and there was no way the water was going to run uphill into their home.

At the request of Councilmember McGehee regarding roof slopes and whether he was going to build the homes and intended any guarantees if so regarding water drainage, Mr. Mueller responded that while he would not personally build them, nothing would be built without his express approval of the designs.

Councilmember McGehee questioned how Mr. Mueller could make such guarantees about negative impacts of any future impervious surfaces on private lots.

Mayor Roe clarified that any improvements now or in the future would need to follow the City approval processes.

Councilmember Etten noted the considerable costs being fielded by Mr. Mueller for the cul-de-sac, sewer and water infrastructure, and paving – as well as those additional maintenance costs for the City over the long-term; and asked Mr. Mueller if he had considered reducing those costs by splitting the lots into three versus four.

Mr. Mueller noted that he was well aware of the costs, and used several iterations of site plans to address existing lots and their proximity adjacent properties, and his rationale for proposing the development and number of lots as requested.

Robert Mueller

Mr. Mueller's son Robert joined him at the table, and addressed the potential for splitting the parcel into three lots based on potential design and difficulties sighting those on the lots to accommodate homes on those lots in \$1 million range.

Art Mueller concurred, opining that the lot dimensions and area available for the homes, 3-car garages, and driveways would not support values of that amount. –

Mayor Roe noted that those economic considerations should answer Councilmember Etten's questions, and noted the difficulties in home designs with the topography of this parcel.

Councilmember Etten noted a recent development being proposed with potentially 75' wide lots, and homes well over \$500,000; and that developer's confidence that they could fit the homes on the sites and still sell them at that price point.

Councilmember Etten asked why the information between developers was so different.

Mr. Art Mueller responded that a house directly across from this subject property had been asking a \$1 million sales price, but after two years, was sold at a loss; and reiterated that the values were not realistic at that projected sales price.

Public Comment

Mayor Roe noted that the City Council was aware of information provided to-date, as well as meeting minutes from the Public Hearing before the Planning Commission and public comment and subsequent discussion at that time, suggesting that information was not necessary to repeat.

George LeTendre, 2121 County Road B W

Mr. LeTendre provided a bench handout, and sought Public Works staff's rationale in reducing the standard size of the cul-de-sac from 60' to 40' of pavement. Mr. LeTendre noted that this applicant has had four civil actions filed to-date and asked if the City Council chose to approve this request, it make sure a Letter of Credit or bond was available to cover costs.

Specific to stormwater, Mr. LeTendre advised that he had spoken to Mr. Culver earlier today and expressed appreciation for his willingness to walk him through the process for rainwater calculations, especially this year, which he found not to be available. However, Mr. LeTendre sought how much overflow had occurred with this year's significant rainfall.

Regarding BMP maintenance, Mr. LeTendre asked if the City required the developer or applicant to create an association to address maintenance.

As far as drainage to the southwest, Mr. LeTendre noted that the engineer was estimating the same amount of water, but the area for pond overflow would be reduced from 100' to 10' in width, with a larger slope; and asked how the negative affects to neighbor properties would be addressed.

Trudi Martinco, 2255 Cleveland Avenue

Ms. Martinco had provided a written response (part of Attachment F) to the petition filed by neighbors; and expressed her trust of the engineers addressing storm water drainage. For a variety of reasons, Ms. Martinco expressed her support of this application, expounding on the meaning of community standards, standard lot sizes for the Acorn Road neighborhood and accountability of property owners, and her perceptions in why the petition for denial was actually filed by the neighborhood. Ms. Martinco questioned the fairness of adjacent property owners seeking to retain the park like nature of the subject property, basically the neighbor's tree-covered lot; opining that it was not up to them, but up to the private property owner, Mr. Mueller, as to what happened on his private property. Ms. Martinco

noted that trees died whether that was desired or not, but just over the course of time; and opined that economics will drive inevitable changes in the community as people built new homes in Roseville as a desirable first-tier suburb. Ms. Martinco referenced an Urban League Study about available land in the area, and lot split considerations; and providing protections to lower income people with new housing availability and freeing up other housing for middle- to lower-income residents in Roseville.

Nick Amlie, 2265 Acorn Road

Mr. Amlie took issue with some of the assertions of the previous speaker, opining that she didn't live on Acorn Road, and those who did were only seeking positive versus negative impacts to the neighborhood. Mr. Amlie stated that he, and others along Acorn Road, were of the opinion that four homes on that two-acre parcel was too much; and disputed the logic of home values on those size lots, negatively affecting their sense of community. Mr. Amlie referenced the eloquent written comments provided by Ms. Ramalingam, noting the respect of neighbors for Mr. Mueller; and spoke in support of additional homes on his parcel, but not as many as four, which they found just too many.

Specific to the drainage issues, Mr. Amlie referenced the standing water in his yard today based on recent rains and lack of drainage due to soil conditions, requiring that the water evaporate; and opined that the drainage plan was not realistic. Mr. Amlie stated that the neighbors were opposed to adding to the problem with this proposed development, rather than diminishing existing problems.

Paul Romanowski, 2195 Acorn Road

Mr. Romanowski referenced previous comments related to storm water drainage; opining that the proposed catch basins in the plan will not handle runoff, and with slopes more water would enter his property and not drain into the heavy clay soil. If the catch basins get filled, Mr. Romanowski opined that there would be continuous overflow. Referencing the petition he distributed and presented to the Planning Commission, Mr. Romanowski opined that there was not one person in favor of this project, and asked that the City Council take that into consideration.

Mr. Ramalingam, 2182 Acorn Road

Mr. Ramalingam stated several questions regarding the intent of tonight's City Council: whether it was to subdivide the property and mark property lines, or speak to the property indicated in the prints before it was subdivided; and once the property was sold, what would prevent new owners from increasing impervious areas and creating additional water problems. Mr. Ramalingam opined that what was being proposed for tree preservation was completely unrealistic; and that to destroy this property was not proper.

Robert Mueller, not currently a Roseville Resident (son of the applicant)

Mr. Mueller provided a brief history of his residency in Roseville; and noted that even with all the rain, there was no standing water on his father's property, and he'd been able to mow it earlier today. In referencing the comments about Ms. Martinco not living on Acorn Road, Mr. Mueller clarified that half of their lot was on the frontage road, so technically they did live on Acorn Road.

Mr. Mueller stated that he had never seen water standing on that property, even though it did so on the lower portion of Mr. Romanowski's property and always had from his recollection, and eventually evaporated or seeped into the ground. Mr. Mueller opined that this drainage plan will address those issues, and not add to the problem. Mr. Mueller further opined that everyone now living on Acorn Road was able to do so because someone in the past had subdivided their property; but questioned why now those residents wanted to keep this private property a park versus subdividing.

Gary Boryczka, 2250 Acorn Road

Mr. Boryczka advised that he was a certified inspector and did considerable experience in grading work. Mr. Boryczka displayed the grading map, and his perception of drainage pipes, swales and designs, and proposed water flow, subsequently opining that it was not realistic and would not work. Mr. Boryczka also questioned the proposed map indications for "retaining walls by others" and their location and eventual responsibility for installation versus the developer installing them, even though one was located across a proposed alternate driveway. Mr. Boryczka opined that the whole plan didn't make sense, but was someone's dream to get approved by other people who were not knowledgeable of reality in such a proposal. Mr. Boryczka provided several examples of problem areas, especially based on soil conditions in the area; and expressed further concern in clear-cutting the whole parcel. Mr. Boryczka further opined that people were not opposed to splitting the lot for development, but didn't support changing the whole unique area along Acorn Road by changing it into a housing development and destroying the neighborhood.

Following public comment, Mayor Roe identified questions raised for staff response.

Considerations made in Public Works' approval of narrower streets and/or smaller cul-de-sac standards

Mr. Culver responded that there were provisions within City Code allowing staff to recommend smaller cul-de-sac radii and rights-of-way and design widths when those roadways were of sufficient length to facilitate such a deviation from those requirements. As detailed in the RCA, Mr. Culver advised that this proposal met those requirements, and similar deviations had been granted with other developments in the past to reduce impacts to a site.

What is done to prevent owners buying homes from adding more impervious surface

Mr. Culver responded that calculations were initially made and inspected to insure the 30% impervious surface lot requirements were met; and any stormwater mitigation efforts needed to address any excess. Mr. Culver noted that, unknown to the City, a homeowner could certainly increase that impervious surface outside requirements of the City on a smaller level than permits would require, making it much harder for staff to monitor and enforce (e.g. patios). However, as noted by Mayor Roe, larger issues, (e.g. larger patios and/or home additions) would need to go through the permitting process outlined in City Code.

Alternate/Optional Driveway location, as addressed during Planning Commission discussions; and whether it was a factor or not in pond design

Mr. Culver responded that any driveway construction or excessive grading required a permit, in accordance with erosion control and storm water management requirements, with City Code already in place to address those issues.

McGehee moved, Willmus seconded to DENY the proposed PRELIMINARY PLAT for property at 2201 Acorn Road; based on the following findings of fact for denial:

- Lack of an adequate method for handling proposed ponding, or providing adequate protection to maintain ponds or repair them should they fail to work;
- Lack of management to prevent flooding risks on the parcel and adjacent properties, or BMP's in place to handle potential flooding;
- With no parking allowed on the cul-de-sac or on Acorn Road, additional structures and lots create a significant problem on this smaller street, requiring any overflow parking to revert to County Roads B, creating an inappropriate situation;
- As this site is currently heavily-wooded, the proposal to essentially clear-cut leaving few trees around the edges of the neighborhood, is not desirable;
- The proposal does not meet Comprehensive Plan goals or guidance to encourage development and connectivity of neighborhoods or foster creation of unique neighborhood amenities and character to provide individual identifies for those neighborhoods; nor positively facilitate a neighborhood-based planning process and resident participation.

Councilmember Willmus advised that he had an opportunity to visit with Mr. Mueller last week, and another opportunity to visit the area and subject property during Thursday's rain storm. Councilmember Willmus advised that his primary concern with the preliminary plat was the proposed construction of infiltration by locating three of the smaller basins on the southern half of the parcel. Councilmember Willmus made comparisons with the recent Millwood Development, and difference in that drainage from the site was channeled into two infiltration basins, overflowing into the storm sewer and then into the neighboring Lake Josephine. Councilmember Willmus opined that this proposal offered a significant-

ly different situation. Councilmember Willmus further opined that the City had issues throughout the City with prior projects presenting drainage issues that now required significant dollars to fix overflow situations into adjacent properties (e.g. Ramsey County Library – Roseville Branch). Councilmember Willmus opined that the least impactful mechanism for constructing drainage solutions was to not have them dump into adjacent properties. For that reason, Councilmember Willmus advised that he could not support the proposal.

Councilmember Etten shared the concerns expressed by Councilmembers McGehee and Willmus; expressing his concern about long-term care and maintenance of BMP's as titles change or they became the responsibility of a homeowner's association. Councilmember Etten expressed further concern with the proposed grading and the trees and their root lines along the south side, even though proposed for saving, opined that the grading plan would exacerbate the situation and destroy those trees, many of which may be on neighboring properties. Councilmember Etten opined that this had not been sufficiently addressed for his comfort in the preliminary plan, and further opined that those trees would not survive, further impacting the neighboring properties and their property values.

Councilmember Laliberte recognized that this was and had been a difficult discussion; and while there were some areas of concern for her about the preliminary plan, she was not opposed to the development in this area. Councilmember Laliberte opined that the developer had been long-term resident of this area, and obviously wanted to redevelop the site in a respectful way, even if this plat may not serve to address all of the concerns raised. Councilmember Laliberte noted that someone else could come forward in the future with an even less respectful plan for redevelopment, which may be an unintended consequence of denying this proposal. Councilmember Laliberte noted that she shared some concerns raised about trees designated as "tree save areas" and the need for more of a buffer to protect those trees; however, like the neighbors, she admitted she was not an engineer, and was confident City staff and consulting engineers had reviewed and addressed those things, and would continue to do so as part of their ongoing review process. Councilmember Laliberte expressed her preference for a way to connect directly to the City's storm water drainage system; however, she opined there should be a way to deal with neighbors on BMP's, and hoped to see that come to fruition if and when this came back for final approval.

Willmus moved, Etten seconded, extension of the meeting curfew for the conclusion of this item.

Roll Call

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

Nays: None.

Mayor Roe advised that he would not be supporting the motion to deny, since in essence it was similar to the first plan submitted by Mr. Mueller which he had supported. Mayor Roe expressed his confidence in current city code and water-

shed district requirements that were even more stringent than at that time, opining that they would sufficiently address this type of development, and therefore, not of significant concern to him. Mayor Roe supported the conditions listed in the RCA recommended City Council action, noting that the developer would continue to work the City Public Works and Planning Division staff, with final permits not issues without a final tree preservation plan in place beyond the very preliminary one presented tonight; along with a public improvement contract approved by the City Council assuring adequate measures were taken to address any financial concerns. Mayor Roe addressed concerns raised during discussion about BMP's going forward, and while not currently established in and a work-in-progress, Mayor Roe noted that the City Council had been continually approving final and preliminary plats with added conditions in the interim (e.g. North Central Roseville near Lydia Avenue, with a significant lot split and draining conditions). Therefore, Mayor Roe advised that he could not support this motion to deny the proposal.

Councilmember Laliberte opined that the Planning Commission had addressed, discussed and reviewed many of the same public comments shared tonight as part of their legitimate role; and had also found no considerable reasons to deny approval.

Councilmember McGehee agreed that the Planning Commission had done their job, and while she took their recommendations under advisement, opined that their position was much different than that of the City Council.

With regard to the Planning Commission and their recommendation, Councilmember Willmus noted that their primary focus was on development and meeting zoning issues (e.g. lot sizes); but the other issues pertaining to drainage and infiltration required the City Council to make a determination. Councilmember Willmus opined that this plat was essentially the same as presented by Mr. Mueller in 2007, and conformed to many aspects: larger than minimum lot sizes, and certain other deviations available by code. However, Councilmember Willmus advised that his issue was with drainage mitigation and impacts of outflows from the three basins he previously identified on neighboring property owners based on the recent rain events being experienced. Therefore, Councilmember Willmus stated that he would support the motion to deny.

Roll Call

Ayes: McGehee; Willmus; and Etten.

Nays: Laliberte and Roe.

Motion to DENY carried.

City Attorney Gaughan clarified that the City Council, as part of their denial, was directing staff to provide findings in writing to the applicant in a timely manner; which was duly noted by Mayor Roe and staff.

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Councilmember Etten suggested in the findings of fact for denial, including a finding that the proposed grading plan could cause significant damage to trees on neighboring properties.

8. Business Items – Presentations/Discussions

9. City Manager Future Agenda Review

10. Councilmember-Initiated Items for Future Meetings

11. Adjourn

McGehee moved, Etten seconded adjournment of the meeting at approximately 10:10 p.m.

Roll Call

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

Nays: None.

Daniel J. Roe, Mayor

ATTEST:

Patrick J. Trudgeon, City Manager