



City Council Agenda

Monday, October 21, 2013

6:00 p.m.

City Council Chambers

(Times are Approximate)

- | | |
|-----------|--|
| 6:00 p.m. | 1. Roll Call
Voting & Seating Order: Laliberte, McGehee, Willmus, Etten, Roe |
| 6:02 p.m. | 2. Approve Agenda |
| 6:05 p.m. | 3. Public Comment |
| 6:10 p.m. | 4. Council Communications, Reports and Announcements |
| 6:15 p.m. | 5. Recognitions, Donations and Communications |
| 6:20 p.m. | 6. Approve Minutes
a. Approve Minutes of October 14, 2013 Meeting |
| 6:25 p.m. | 7. Approve Consent Agenda
a. Approve Payments
b. Approve Business & Other Licenses & Permits
c. Approve General Purchases and Sale of Surplus items in excess of \$5000
d. Consider Joint Powers Agreement with Ramsey County Violent Crime Enforcement Team
e. Consider Resolution to Accept Work Completed, Authorize Payment and Commence 2012 Storm Sewer Line Warranty Work |
| 6:35 p.m. | 8. Consider Items Removed from Consent |
| | 9. General Ordinances for Adoption |
| 6:40 p.m. | a. Consider an Ordinance Amending Title Five, Chapter 501 of the City Code Specific to Rabies Vaccinations |
| 6:50 p.m. | b. Consider Ordinance Repealing City Code Chapter 305 - Regulating the Sale of Christmas Trees |

7:00 p.m. c. Consider Ordinance Amending City Code Chapter 306:
and Tobacco Products

10. Presentations

7:15 p.m. a. Quarterly Joint Meeting with HRA

11. Public Hearings

7:35 p.m. a. Rental License Ordinance

8:05 p.m. **Break**

12. Budget Items

8:15 p.m. a. Continue Budget Discussion

13. Business Items (Action Items)

8:35 p.m. a. Consider Policy on Annual Staff Cost of Living
Adjustments

8:45 p.m. b. Consider Approval of Rental Licensing Ordinance

9:05 p.m. c. Consider Zoning Text Amendment and Conditional Use
Request to Allow Dog Daycare/Boarding Facility – Woof
Room

14. Business Items – Presentations/Discussions

9:25 p.m. **15. City Manager Future Agenda Review**

9:30 p.m. **16. Councilmember Initiated Items for Future Meetings**

9:35 p.m. **17. Adjourn**

Some Upcoming Public Meetings.....

Tuesday	Oct 22	6:30 p.m.	Public Works, Environment & Transportation Commission
Monday	Oct 28	6:00 p.m.	City Council Meeting
November			
<i>Tuesday</i>	<i>Nov 5</i>		<i>Election Day</i>
Wednesday	Nov 6	6:30 p.m.	Planning Commission
Thursday	Nov 7	6:30 p.m.	Parks & Recreation Commission
<i>Monday</i>	<i>Nov 11</i>		<i>City Offices Closed – Veterans Day</i>
Wednesday	Nov 13	6:30 p.m.	Ethics Commission
Monday	Nov 18	6:00 p.m.	City Council Meeting
Tuesday	Nov 19	6:00 p.m.	Housing & Redevelopment Authority

All meetings at Roseville City Hall, 2660 Civic Center Drive, Roseville, MN unless otherwise noted.

Date: October 21 2013

Item: 6.a

Approve minutes of October 14,
2013

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/2013
Item No.: 7.a

Department Approval



City Manager Approval



Item Description: Approve Payments

BACKGROUND

State Statute requires the City Council to approve all payment of claims. The following summary of claims has been submitted to the City for payment.

Check Series #	Amount
ACH Payments	\$109,842.47
71709-71790	\$507,550.44
Total	\$617,392.91

A detailed report of the claims is attached. City Staff has reviewed the claims and considers them to be appropriate for the goods and services received.

POLICY OBJECTIVE

Under Mn State Statute, all claims are required to be paid within 35 days of receipt.

FINANCIAL IMPACTS

All expenditures listed above have been funded by the current budget, from donated monies, or from cash reserves.

STAFF RECOMMENDATION

Staff recommends approval of all payment of claims.

REQUESTED COUNCIL ACTION

Motion to approve the payment of claims as submitted

Prepared by: Chris Miller, Finance Director
Attachments: A: Checks for Approval

Accounts Payable

Attachment A

Checks for Approval

User: mary.jenson
Printed: 10/16/2013 - 8:22 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
71738	10/10/2013	Central Svcs Equip Revolving	Rental - Copier Machines	Konica Minolta	Lease & Copy Charges	4,845.40
Rental - Copier Machines Total:						4,845.40
Fund Total:						4,845.40
71771	10/10/2013	Charitable Gambling	Professional Services - Bingo	Shidell & Mair	Midway Speedskating-July	2,177.28
71771	10/10/2013	Charitable Gambling	Professional Services - Bingo	Shidell & Mair	Youth Hockey-July	2,245.32
71771	10/10/2013	Charitable Gambling	Professional Services - Bingo	Shidell & Mair	Midway Speedskating-Aug	2,381.40
71771	10/10/2013	Charitable Gambling	Professional Services - Bingo	Shidell & Mair	Youth Hockey-Aug	2,211.30
Professional Services - Bingo Total:						9,015.30
Fund Total:						9,015.30
71740	10/10/2013	Community Development	Advertising	Lillie Suburban Newspaper Inc	Notices-Acct: 000262	16.05
Advertising Total:						16.05
71751	10/10/2013	Community Development	Building Surcharge	Mn Dept of Labor & Industry	Building Permit Surcharges-Sept 2013	2,793.68
Building Surcharge Total:						2,793.68
71751	10/10/2013	Community Development	Miscellaneous Revenue	Mn Dept of Labor & Industry	Building Permit Surcharges-Sept 2013	-55.73
Miscellaneous Revenue Total:						-55.73
0	10/10/2013	Community Development	Office Supplies	Innovative Office Solutions	Office Supplies	37.55

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
					Office Supplies Total:	37.55
0	10/10/2013	Community Development	Professional Services	Mr. Handyman, LLC	Vacant Structure Repair-2560 Fry Str	82.00
					Professional Services Total:	82.00
71717	10/10/2013	Community Development	Property Improvement Permit	Harold Brick	Building Permit Refund	55.00
					Property Improvement Permit Total:	55.00
71775	10/10/2013	Community Development	Telephone	Sprint	Cell Phones	135.61
71788	10/10/2013	Community Development	Telephone	Verizon Wireless	Cell Phones	35.15
					Telephone Total:	170.76
0	10/10/2013	Community Development	Transportation	Thomas Paschke	Mileage Reimbursement	120.91
					Transportation Total:	120.91
					Fund Total:	3,220.22
71713	10/10/2013	East Metro SWAT	Operating Supplies	Batteries Plus	Batteries	216.93
					Operating Supplies Total:	216.93
71710	10/10/2013	East Metro SWAT	Professional Services	American Messaging	Interpreter Service	91.82
					Professional Services Total:	91.82
					Fund Total:	308.75
71760	10/10/2013	Fire Station 2011	Contractor Payments	Professional Service Industries, Inc.	Project Engineer	319.00
					Contractor Payments Total:	319.00
71716	10/10/2013	Fire Station 2011	Professional Services	Bossardt Corporation	Construction Management Services	12,300.00
71718	10/10/2013	Fire Station 2011	Professional Services	Brothers Fire Protection, Inc.	Paging System Service	370.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
71729	10/10/2013	Fire Station 2011	Professional Services	D. Brian Droege	Fire Station Photographs	897.00
71737	10/10/2013	Fire Station 2011	Professional Services	Karges-Faulkonbridge, Inc.	Fire Station Commissioning Services	1,466.30
0	10/10/2013	Fire Station 2011	Professional Services	Xcel Energy	Fire Dept	2,654.89
Professional Services Total:						17,688.19
Fund Total:						18,007.19
71784	10/10/2013	Fire Vehicles Revolving	SCBA Equipment	Ultimate Safety Concepts, Inc.	SCBA Supplies	3,896.20
SCBA Equipment Total:						3,896.20
Fund Total:						3,896.20
71765	10/10/2013	General Fund	209001 - Use Tax Payable	Rosenbauer Minnesota, LLC	Sales/Use Tax	-4.38
71765	10/10/2013	General Fund	209001 - Use Tax Payable	Rosenbauer Minnesota, LLC	Sales/Use Tax	-0.78
71765	10/10/2013	General Fund	209001 - Use Tax Payable	Rosenbauer Minnesota, LLC	Sales/Use Tax	-35.05
71765	10/10/2013	General Fund	209001 - Use Tax Payable	Rosenbauer Minnesota, LLC	Sales/Use Kit	-17.81
209001 - Use Tax Payable Total:						-58.02
0	10/10/2013	General Fund	211402 - Flex Spending Health		Flexible Benefit Reimbursement	475.05
0	10/10/2013	General Fund	211402 - Flex Spending Health		Flexible Benefit Reimbursement	1,780.37
0	10/10/2013	General Fund	211402 - Flex Spending Health		Flexible Benefit Reimbursement	183.60
211402 - Flex Spending Health Total:						2,439.02
71740	10/10/2013	General Fund	Advertising	Lillie Suburban Newspaper Inc	Notices-Acct: 000262	29.43
Advertising Total:						29.43
71722	10/10/2013	General Fund	Clothing	Cintas Corporation #470	Uniform Cleaning	30.68
71722	10/10/2013	General Fund	Clothing	Cintas Corporation #470	Uniform Cleaning	30.68
71722	10/10/2013	General Fund	Clothing	Cintas Corporation #470	Uniform Cleaning	30.68
71722	10/10/2013	General Fund	Clothing	Cintas Corporation #470	Uniform Cleaning	30.68
71785	10/10/2013	General Fund	Clothing	Uniforms Unlimited, Inc.	Body Armor	1,099.99
Clothing Total:						1,222.71

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
0	10/10/2013	General Fund	Conferences	Mark Ganley	Conference Expenses Reimbursement	25.25
Conferences Total:						25.25
0	10/10/2013	General Fund	Contract Maint. - City Hall	Adam's Pest Control Inc	Quarterly Service	113.29
Contract Maint. - City Hall Total:						113.29
0	10/10/2013	General Fund	Contract Maint. - City Garage	Adam's Pest Control Inc	Quarterly Service	113.29
71741	10/10/2013	General Fund	Contract Maint. - City Garage	Linn Building Maintenance	General Cleaning-Sept 2013	942.64
0	10/10/2013	General Fund	Contract Maint. - City Garage	Yale Mechanical, LLC	Exhaust Fan Motor Repair	833.97
Contract Maint. - City Garage Total:						1,889.90
0	10/10/2013	General Fund	Contract Maintenance	Adam's Pest Control Inc	Quarterly Service	60.04
71741	10/10/2013	General Fund	Contract Maintenance	Linn Building Maintenance	General Cleaning-Sept 2013	579.26
71787	10/10/2013	General Fund	Contract Maintenance	Upper Cut Tree Service	Blanket PO for tree removal	1,645.88
71788	10/10/2013	General Fund	Contract Maintenance	Verizon Wireless	Cell Phones	866.16
Contract Maintenance Total:						3,151.34
71765	10/10/2013	General Fund	Contract Maintenance Vehicles	Rosenbauer Minnesota, LLC	Seat Cushion Kit	276.80
71767	10/10/2013	General Fund	Contract Maintenance Vehicles	Roseville Chrysler Jeep Dodge	2013 Blanket PO for vehicle repairs	470.01
71767	10/10/2013	General Fund	Contract Maintenance Vehicles	Roseville Chrysler Jeep Dodge	2013 Blanket PO for vehicle repairs	803.63
71767	10/10/2013	General Fund	Contract Maintenance Vehicles	Roseville Chrysler Jeep Dodge	2013 Blanket PO for vehicle repairs	563.18
Contract Maintenance Vehicles Total:						2,113.62
71762	10/10/2013	General Fund	Emeral Ash Borer	Rainbow Tree Care	Insecticide treatment of ash trees as p	6,030.02
Emeral Ash Borer Total:						6,030.02
0	10/10/2013	General Fund	Medical Services	First Advantage LNS Screening Sol	Annual Enrollment	96.00
Medical Services Total:						96.00
0	10/10/2013	General Fund	Office Supplies	Innovative Office Solutions	Office Supplies	511.50
Office Supplies Total:						511.50
0	10/10/2013	General Fund	Operating Supplies	ARAMARK Services	Coffee Supplies	318.97

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
71713	10/10/2013	General Fund	Operating Supplies	Batteries Plus	Batteries	22.11
0	10/10/2013	General Fund	Operating Supplies	Julie Griffin	Supplies Reimbursement	23.24
0	10/10/2013	General Fund	Operating Supplies	Kevin Keenan	Station Supplies Reimbursement	14.97
71753	10/10/2013	General Fund	Operating Supplies	Networkfleet, Inc.	Monthly Service-Oct	145.79
71755	10/10/2013	General Fund	Operating Supplies	Newman Traffic Signs, Inc.	Credit	-347.98
71755	10/10/2013	General Fund	Operating Supplies	Newman Traffic Signs, Inc.	2013 Blanket PO for street sign mater	4,296.15
71755	10/10/2013	General Fund	Operating Supplies	Newman Traffic Signs, Inc.	Street Sign Material	1,594.62
0	10/10/2013	General Fund	Operating Supplies	Rapit Printing	Pens	271.74
71763	10/10/2013	General Fund	Operating Supplies	RCM Specialties, Inc.	Emulsion	575.59
71763	10/10/2013	General Fund	Operating Supplies	RCM Specialties, Inc.	Emulsion	697.68
71769	10/10/2013	General Fund	Operating Supplies	Sam's Club	Kitchen Supplies	456.26
71777	10/10/2013	General Fund	Operating Supplies	Staples Business Advantage, Inc.	Office Supplies	132.03
71777	10/10/2013	General Fund	Operating Supplies	Staples Business Advantage, Inc.	Toner	144.04
Operating Supplies Total:						8,345.21
71785	10/10/2013	General Fund	Police Reserve Program	Uniforms Unlimited, Inc.	Shirts	111.38
Police Reserve Program Total:						111.38
0	10/10/2013	General Fund	Professional Services	Collins Electrical Construction Co.	Add Plug Strip	525.00
0	10/10/2013	General Fund	Professional Services	Erickson, Bell, Beckman & Quinn I	Legal Services-Prosecution	12,205.15
71741	10/10/2013	General Fund	Professional Services	Linn Building Maintenance	General Cleaning-Sept 2013	3,337.71
0	10/10/2013	General Fund	Professional Services	Ramy Turf Products	Hydro Seeder Rental, Seed	607.59
71768	10/10/2013	General Fund	Professional Services	Rupp, Anderson, Squires & Waldsp	Harrassment Investigation	6,312.72
71780	10/10/2013	General Fund	Professional Services	Time Saver Off Site Secretarial	Human Rights Commission Meeting	172.90
71783	10/10/2013	General Fund	Professional Services	Twin Cities Transport & Recove	Towing Charges	90.84
71783	10/10/2013	General Fund	Professional Services	Twin Cities Transport & Recove	Towing Charges	90.84
71783	10/10/2013	General Fund	Professional Services	Twin Cities Transport & Recove	Towing Charges	90.84
71787	10/10/2013	General Fund	Professional Services	Upper Cut Tree Service	Tree Removal	374.06
Professional Services Total:						23,807.65
71775	10/10/2013	General Fund	Telephone	Sprint	Cell Phones	175.66
71775	10/10/2013	General Fund	Telephone	Sprint	Cell Phones	21.16
71775	10/10/2013	General Fund	Telephone	Sprint	Cell Phones	44.50
71775	10/10/2013	General Fund	Telephone	Sprint	Cell Phones	298.54
71779	10/10/2013	General Fund	Telephone	T Mobile	Cell Phones-Acct: 876644423	290.50
71779	10/10/2013	General Fund	Telephone	T Mobile	Cell Phones-Acct: 876644423	55.60
71779	10/10/2013	General Fund	Telephone	T Mobile	Cell Phones-Acct: 876644423	386.75
71779	10/10/2013	General Fund	Telephone	T Mobile	Cell Phones-Acct: 876644423	199.13
71779	10/10/2013	General Fund	Telephone	T Mobile	Cell Phones-Acct: 771707201	39.99
71788	10/10/2013	General Fund	Telephone	Verizon Wireless	Cell Phones	770.37

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
Telephone Total:						2,282.20
71715	10/10/2013	General Fund	Training	BCA/Criminal Justice Training & E	Officer Down Course	95.00
0	10/10/2013	General Fund	Training	Dennis Kim	Training Supplies Reimbursement	27.73
71746	10/10/2013	General Fund	Training	MFSCB	Fire Inspector Certification Exam	85.00
Training Total:						207.73
71712	10/10/2013	General Fund	Vehicle Supplies	Astleford International Trucks	Transmission Fluid	275.48
71714	10/10/2013	General Fund	Vehicle Supplies	Bauer Built, Inc.	Qty 35: New Winter Tires for Dodge J	4,262.65
71714	10/10/2013	General Fund	Vehicle Supplies	Bauer Built, Inc.	Sales Tax	293.30
71714	10/10/2013	General Fund	Vehicle Supplies	Bauer Built, Inc.	Shipping/Handling	3.50
71720	10/10/2013	General Fund	Vehicle Supplies	Carquest Auto Parts Stores	Parts	117.62
0	10/10/2013	General Fund	Vehicle Supplies	Factory Motor Parts, Co.	2013 Blanket PO for vehicle repairs	26.72
0	10/10/2013	General Fund	Vehicle Supplies	Factory Motor Parts, Co.	2013 Blanket PO for vehicle repairs	73.68
0	10/10/2013	General Fund	Vehicle Supplies	Fastenal Company Inc.	2013 Blanket PO for Vehicle Repairs	180.64
0	10/10/2013	General Fund	Vehicle Supplies	FleetPride Truck & Trailer Parts	2013 Blanket PO for vehicle repairs	63.41
0	10/10/2013	General Fund	Vehicle Supplies	Grainger Inc	2013 Blanket PO for Vehicle Repairs	139.92
0	10/10/2013	General Fund	Vehicle Supplies	Larson Companies	2013 Blanket PO for vehicle repairs	1,099.90
71743	10/10/2013	General Fund	Vehicle Supplies	Matheson Tri-Gas, Inc	Acetylene	57.85
71756	10/10/2013	General Fund	Vehicle Supplies	OSI Environmental Inc	Filters	50.00
71765	10/10/2013	General Fund	Vehicle Supplies	Rosenbauer Minnesota, LLC	Pivot Arm	68.04
71765	10/10/2013	General Fund	Vehicle Supplies	Rosenbauer Minnesota, LLC	Pattern Stop Screw	12.18
71765	10/10/2013	General Fund	Vehicle Supplies	Rosenbauer Minnesota, LLC	Seat Belt	544.93
Vehicle Supplies Total:						7,269.82
Fund Total:						59,588.05
71779	10/10/2013	Golf Course	Telephone	T Mobile	Cell Phones-Acct: 876644423	82.63
Telephone Total:						82.63
Fund Total:						82.63
71719	10/10/2013	Housing & Redevelopment Agency	Payment to Owners	Richard Brownlee	Energy Audit	60.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
Payment to Owners Total:						60.00
Fund Total:						60.00
0	10/10/2013	HRA Property Abatement Program	Payments to Contractors	Mr. Handyman, LLC	Pool Fence Repair-1693 Ridge Lane 1	123.00
Payments to Contractors Total:						123.00
Fund Total:						123.00
71711	10/10/2013	Information Technology	Internet	Anoka County Treasury Departmen	Broadband	75.00
0	10/10/2013	Information Technology	Internet	Cologix, Inc	Cross Connect Fiber	450.00
0	10/10/2013	Information Technology	Internet	Cologix, Inc	Cross Connect Fiber	450.00
71723	10/10/2013	Information Technology	Internet	Comcast	Cable TV	81.10
71734	10/10/2013	Information Technology	Internet	Hurricane Electric	Transit Service Monthly Fee	500.00
71790	10/10/2013	Information Technology	Internet	XO Communications Inc.	Internet Service	476.33
Internet Total:						2,032.43
71757	10/10/2013	Information Technology	Operating Supplies	Paragon Solutions Group, Inc.	Waterproof Junction Box	63.59
Operating Supplies Total:						63.59
71779	10/10/2013	Information Technology	Telephone	T Mobile	Cell Phones-Acct: 876644423	522.72
71788	10/10/2013	Information Technology	Telephone	Verizon Wireless	Cell Phones	105.03
Telephone Total:						627.75
0	10/10/2013	Information Technology	Transportation	Les Dillon	Mileage Reimbursement	64.38
0	10/10/2013	Information Technology	Transportation	Veronica Koes	Mileage Reimbursement	118.65
Transportation Total:						183.03
Fund Total:						2,906.80
0	10/10/2013	License Center	Minor Equipment	Intereum, Inc.	Flip Drawer	720.34

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
Minor Equipment Total:						720.34
71741	10/10/2013	License Center	Professional Services	Linn Building Maintenance	General Cleaning-Sept 2013	625.22
Professional Services Total:						625.22
0	10/10/2013	License Center	Transportation	Mary Dracy	Mileage Reimbursement	113.00
Transportation Total:						113.00
Fund Total:						1,458.56
71709	10/10/2013	Multi-Family&Housing Program	Payments to Contractors	Alex's Lawn & Turf	Trim & Cut Grass	299.25
Payments to Contractors Total:						299.25
Fund Total:						299.25
71764	10/10/2013	P & R Contract Maintenance	Contract Maintenance	Rick Johnson's Deer & Beaver Inc.	Deer Call	115.00
Contract Maintenance Total:						115.00
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Bachmans Inc	Garden Supplies	256.87
71722	10/10/2013	P & R Contract Maintenance	Operating Supplies	Cintas Corporation #470	Uniform Cleaning	8.68
71722	10/10/2013	P & R Contract Maintenance	Operating Supplies	Cintas Corporation #470	Uniform Cleaning	8.68
71722	10/10/2013	P & R Contract Maintenance	Operating Supplies	Cintas Corporation #470	Uniform Cleaning	8.68
71722	10/10/2013	P & R Contract Maintenance	Operating Supplies	Cintas Corporation #470	Uniform Cleaning	8.68
71728	10/10/2013	P & R Contract Maintenance	Operating Supplies	Dalco	Shelter Supplies	158.65
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Davis Equipment Corp	Shop Supplies	208.60
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Fastenal Company Inc.	Wasp Killer	55.43
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Fastenal Company Inc.	Nabber 36"	26.19
71731	10/10/2013	P & R Contract Maintenance	Operating Supplies	Fra-Dor Inc.	Black Dirt	144.28
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Hirshfield's Inc.	Field Marking Paint	61.93
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Linder's Garden Ctr	Nursery Supplies	442.31
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	M/A Associates	Can Liners	798.04
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Menards	Garden Supplies	96.56
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	Menards	Garden Supplies	37.63
71748	10/10/2013	P & R Contract Maintenance	Operating Supplies	MIDC Enterprises	Filter, Regulator	45.88

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
71749	10/10/2013	P & R Contract Maintenance	Operating Supplies	Midwest Playscapes, Inc.	Playground Supplies	185.96
71752	10/10/2013	P & R Contract Maintenance	Operating Supplies	Muska Lighting Center	MOG Base	25.65
0	10/10/2013	P & R Contract Maintenance	Operating Supplies	St. Croix Recreation Co., Inc.	Cartridge	593.16
71782	10/10/2013	P & R Contract Maintenance	Operating Supplies	Trio Supply Company	Hand Sanitizer	76.52
71782	10/10/2013	P & R Contract Maintenance	Operating Supplies	Trio Supply Company	Hand Sanitizer	156.25
Operating Supplies Total:						3,404.63
0	10/10/2013	P & R Contract Maintenance	Professional Services	Davis Equipment Corp	Drive Motor	4,452.04
0	10/10/2013	P & R Contract Maintenance	Professional Services	Muska Electric Co	Emergency Repair	1,764.96
0	10/10/2013	P & R Contract Maintenance	Professional Services	Muska Electric Co	Emergency Repair	35.00
Professional Services Total:						6,252.00
0	10/10/2013	P & R Contract Maintenance	Rental	Jimmys Johnnys, Inc	Regular Service	169.84
Rental Total:						169.84
71775	10/10/2013	P & R Contract Maintenance	Telephone	Sprint	Cell Phones	213.05
Telephone Total:						213.05
0	10/10/2013	P & R Contract Maintenance	Vehicle Supplies	MTI Distributing, Inc.	Belt	148.66
Vehicle Supplies Total:						148.66
Fund Total:						10,303.18
0	10/10/2013	Park Renewal 2011	Professional Services	Arizona State University	Best Value Education Proposal	10,000.00
71724	10/10/2013	Park Renewal 2011	Professional Services	Commercial Appraisal & Consultin	Summary Appraisal Mounds View Sc	2,000.00
71735	10/10/2013	Park Renewal 2011	Professional Services	Hydromethods, LLC	Sidewalk Improvements	350.00
71735	10/10/2013	Park Renewal 2011	Professional Services	Hydromethods, LLC	Sidewalk Improvements	385.00
71776	10/10/2013	Park Renewal 2011	Professional Services	Stantec Consulting Services Inc.	Langton Lake Restoration	9,880.00
Professional Services Total:						22,615.00
Fund Total:						22,615.00
71727	10/10/2013	Parks & Recreation Vehicle Rev	Parks & Recreation Vehicles	Crysteel Truck Equipment, Inc.	Qty 1 - Snow Ex V-Maxx Sander moc	8,791.38

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
71727	10/10/2013	Parks & Recreation Vehicle Rev	Parks & Recreation Vehicles	Crysteel Truck Equipment, Inc.	Qty 2 - Boss V-Plow	11,964.28
71727	10/10/2013	Parks & Recreation Vehicle Rev	Parks & Recreation Vehicles	Crysteel Truck Equipment, Inc.	Qty 1 - Snow Ex V-Maxx Sander moc	1,929.94
71727	10/10/2013	Parks & Recreation Vehicle Rev	Parks & Recreation Vehicles	Crysteel Truck Equipment, Inc.	Sales Tax	955.23
0	10/10/2013	Parks & Recreation Vehicle Rev	Parks & Recreation Vehicles	Rigid Hitch Incorporated	Pickup Cab Protector	496.94
Parks & Recreation Vehicles Total:						24,137.77
Fund Total:						24,137.77
0	10/10/2013	Police - DWI Enforcement	Professional Services	Collins Electrical Construction Co.	Electrical Work	600.00
Professional Services Total:						600.00
Fund Total:						600.00
71781	10/10/2013	Public Works Vehicle Revolving	Public Works Vehicles	Towmaster	Qty 1 - Truck, Box, Hydraulics, Plow,	82,871.00
71781	10/10/2013	Public Works Vehicle Revolving	Public Works Vehicles	Towmaster	Sales Tax	5,697.38
71781	10/10/2013	Public Works Vehicle Revolving	Public Works Vehicles	Towmaster	Truck	928.75
Public Works Vehicles Total:						89,497.13
Fund Total:						89,497.13
0	10/10/2013	Recreation Donations	Operating Supplies	Fastenal Company Inc.	Bench Supplies	33.03
71730	10/10/2013	Recreation Donations	Operating Supplies	Flagship Recreation	Plaque	534.38
71730	10/10/2013	Recreation Donations	Operating Supplies	Flagship Recreation	Bench	1,372.28
71742	10/10/2013	Recreation Donations	Operating Supplies	Marshall Concrete Products, Inc.	Concrete Supplies	300.00
71742	10/10/2013	Recreation Donations	Operating Supplies	Marshall Concrete Products, Inc.	Concrete Supplies	422.42
0	10/10/2013	Recreation Donations	Operating Supplies	St. Croix Recreation Co., Inc.	Bench	1,052.72
Operating Supplies Total:						3,714.83
71776	10/10/2013	Recreation Donations	Other Improvements	Stantec Consulting Services Inc.	Langton Lake Restoration - Conserva	19,765.00
Other Improvements Total:						19,765.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
Fund Total:						23,479.83
71739	10/10/2013	Recreation Fund	Building Rental	Kusan and Yeshi Lhewa	Damage Deposit Refund	400.00
Building Rental Total:						400.00
71741	10/10/2013	Recreation Fund	Contract Maintenance	Linn Building Maintenance	General Cleaning-Sept 2013	1,048.44
Contract Maintenance Total:						1,048.44
71741	10/10/2013	Recreation Fund	Contract Maintenance	Linn Building Maintenance	General Cleaning-Sept 2013	836.83
Contract Maintenance Total:						836.83
0	10/10/2013	Recreation Fund	Office Supplies	Innovative Office Solutions	Office Supplies	36.82
Office Supplies Total:						36.82
0	10/10/2013	Recreation Fund	Operating Supplies	Gopher Bearing. Corp.	Ball Bearings	74.90
0	10/10/2013	Recreation Fund	Operating Supplies	Grainger Inc	Filters, Light Bulbs	62.99
0	10/10/2013	Recreation Fund	Operating Supplies	Rink Systems Inc	Tempered Glass	472.80
71786	10/10/2013	Recreation Fund	Operating Supplies	United Electric	Tork	27.41
Operating Supplies Total:						638.10
71766	10/10/2013	Recreation Fund	Printing	Roseville Area Schools	Fall/Winter Brochure	1,219.32
Printing Total:						1,219.32
71750	10/10/2013	Recreation Fund	Professional Services	Michael Miller	Softball Umpire Services	4,810.00
0	10/10/2013	Recreation Fund	Professional Services	Mn Volleyball Headquarters, Inc.	League Coaching	2,548.00
Professional Services Total:						7,358.00
71774	10/10/2013	Recreation Fund	Professional Svcs	SportSign	Como Regional Pool Program	82.50
Professional Svcs Total:						82.50
0	10/10/2013	Recreation Fund	Rental	Jimmys Johnnys, Inc	Regular Service	169.84
0	10/10/2013	Recreation Fund	Rental	Jimmys Johnnys, Inc	Regular Service	159.84

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
					Rental Total:	329.68
71775	10/10/2013	Recreation Fund	Telephone	Sprint	Cell Phones	105.84
71779	10/10/2013	Recreation Fund	Telephone	T Mobile	Cell Phones-Acct: 876644423	237.20
					Telephone Total:	343.04
71725	10/10/2013	Recreation Fund	Training	Cool Air Mechanical, Inc.	Hazwoper Refresher Class	570.00
					Training Total:	570.00
71773	10/10/2013	Recreation Fund	Transportation	Speco Charter LLC	Motor Coach to Chanhassen Theater	550.00
					Transportation Total:	550.00
0	10/10/2013	Recreation Fund	Use Tax Payable	Gopher Bearing, Corp.	Sales/Use Tax	-4.82
					Use Tax Payable Total:	-4.82
					Fund Total:	13,407.91
71747	10/10/2013	Recreation Improvements	Arboretum Drainage Issues	Mickman Brothers	Irrigation Work	323.00
					Arboretum Drainage Issues Total:	323.00
71747	10/10/2013	Recreation Improvements	Arboretum Irrigation Upgrade	Mickman Brothers	Irrigation Work	14,602.50
					Arboretum Irrigation Upgrade Total:	14,602.50
71747	10/10/2013	Recreation Improvements	Central Park Irrigation Upgrad	Mickman Brothers	Irrigation Work	2,387.50
71747	10/10/2013	Recreation Improvements	Central Park Irrigation Upgrad	Mickman Brothers	Irrigation Work	2,215.00
					Central Park Irrigation Upgrad Total:	4,602.50
71731	10/10/2013	Recreation Improvements	CP Amphitheater	Fra-Dor Inc.	Western Cedar	832.02
					CP Amphitheater Total:	832.02

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
Fund Total:						20,360.02
0	10/10/2013	Risk Management	Employer Insurance	Delta Dental Plan of Minnesota	Dental Insurance Premium-Sept 2013	6,487.03
Employer Insurance Total:						6,487.03
0	10/10/2013	Risk Management	Professional Services	Samba Holdings Inc	Drover Record Monitoring	794.40
Professional Services Total:						794.40
Fund Total:						7,281.43
71733	10/10/2013	Sanitary Sewer	Accounts Payable	EDWARD & GENEVIEVE GALLE	Refund Check	10.47
Accounts Payable Total:						10.47
0	10/10/2013	Sanitary Sewer	Office Supplies	Innovative Office Solutions	Office Supplies	5.72
Office Supplies Total:						5.72
71758	10/10/2013	Sanitary Sewer	Postage	Postmaster- Cashier Window #5	UB Section 3 & Remainder of 2013-1	2,000.00
Postage Total:						2,000.00
71753	10/10/2013	Sanitary Sewer	Professional Services	Networkfleet, Inc.	Monthly Service-Oct	51.90
Professional Services Total:						51.90
0	10/10/2013	Sanitary Sewer	Sanitary Sewer	City of Maplewood	3rd Quarter Sanitary Sewer & Storm I	47,482.24
Sanitary Sewer Total:						47,482.24
71745	10/10/2013	Sanitary Sewer	Sewer SAC Charges	Metropolitan Council/ Environment	SAC Charges	19,285.20
Sewer SAC Charges Total:						19,285.20
71775	10/10/2013	Sanitary Sewer	Telephone	Sprint	Cell Phones	154.43
71779	10/10/2013	Sanitary Sewer	Telephone	T Mobile	Cell Phones-Acct: 771707201	79.98

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
Telephone Total:						234.41
Fund Total:						69,069.94
71789	10/10/2013	Storm Drainage	Contract Maintenance	Waterfront Restoration	Goose Fence Removal	2,900.00
Contract Maintenance Total:						2,900.00
0	10/10/2013	Storm Drainage	Operating Supplies	ESS Brothers & Sons, Inc.	2013 Blanket PO for QRS mortar mix	658.35
71753	10/10/2013	Storm Drainage	Operating Supplies	Networkfleet, Inc.	Monthly Service-Oct	25.91
71759	10/10/2013	Storm Drainage	Operating Supplies	Precise MRM, LLC	FINASSY-1X301	759.72
Operating Supplies Total:						1,443.98
71758	10/10/2013	Storm Drainage	Postage	Postmaster- Cashier Window #5	UB Section 3 & Remainder of 2013-1	2,000.00
Postage Total:						2,000.00
71761	10/10/2013	Storm Drainage	Rental	Railroad Management Co. III, LLC	Rent	730.80
Rental Total:						730.80
0	10/10/2013	Storm Drainage	Storm Drainage Fees	City of Maplewood	3rd Quarter Sanitary Sewer & Storm l	4,759.71
Storm Drainage Fees Total:						4,759.71
71775	10/10/2013	Storm Drainage	Telephone	Sprint	Cell Phones	130.33
Telephone Total:						130.33
Fund Total:						11,964.82
71754	10/10/2013	Street Construction	Twin Lakes Walmart Rd	New Look Contracting, Inc.	Walmart Improvement Project	213,896.32
Twin Lakes Walmart Rd Total:						213,896.32

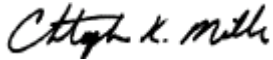
Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
Fund Total:						213,896.32
71744	10/10/2013	Telecommunications	Operating Supplies	Media Distributors	Custom Printed DVD	583.33
Operating Supplies Total:						583.33
71779	10/10/2013	Telecommunications	Telephone	T Mobile	Cell Phones-Acct: 876644423	32.75
Telephone Total:						32.75
71744	10/10/2013	Telecommunications	Use Tax Payable	Media Distributors	Sales/Use Tax	-37.52
Use Tax Payable Total:						-37.52
Fund Total:						578.56
71721	10/10/2013	Telephone	PSTN-PRI Access/DID Allocation	CenturyLink	Telephone	326.78
71721	10/10/2013	Telephone	PSTN-PRI Access/DID Allocation	CenturyLink	Telephone	172.11
71721	10/10/2013	Telephone	PSTN-PRI Access/DID Allocation	CenturyLink	Telephone	86.06
71736	10/10/2013	Telephone	PSTN-PRI Access/DID Allocation	Integra Telecom	Telephone	3,257.23
PSTN-PRI Access/DID Allocation Total:						3,842.18
Fund Total:						3,842.18
71726	10/10/2013	Water Fund	Accounts Payable	JENNIFER CREMISINO	Refund Check	51.65
71732	10/10/2013	Water Fund	Accounts Payable	KIMBERLY GABRIELSE	Refund Check	75.66
71733	10/10/2013	Water Fund	Accounts Payable	EDWARD & GENEVIEVE GALLE	Refund Check	35.23
71770	10/10/2013	Water Fund	Accounts Payable	JASON SCHROECK	Refund Check	124.54
71772	10/10/2013	Water Fund	Accounts Payable	ERIC SOLBERG	Refund Check	38.69
Accounts Payable Total:						325.77
71758	10/10/2013	Water Fund	Postage	Postmaster- Cashier Window #5	UB Section 3 & Remainder of 2013-1	2,000.00
Postage Total:						2,000.00
71779	10/10/2013	Water Fund	Telephone	T Mobile	Cell Phones-Acct: 876644423	22.70

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
					Telephone Total:	22.70
71778	10/10/2013	Water Fund	Training	SUSA	SUSA Class-Wendel, Immerman	100.00
					Training Total:	100.00
					Fund Total:	2,448.47
0	10/10/2013	Workers Compensation	Professional Services	SFM Risk Solutions	Work Comp Administration	99.00
					Professional Services Total:	99.00
					Fund Total:	99.00
					Report Total:	617,392.91

REQUEST FOR COUNCIL ACTION

Date: 10/21/2013
Item No.: 7.b

Department Approval



City Manager Approval



Item Description: Approve 2013 Business and Other Licenses

BACKGROUND

Chapter 301 of the City Code requires all applications for business and other licenses to be submitted to the City Council for approval. The following application(s) is (are) submitted for consideration:

Massage Therapist License

Julie Pagani
Colleen and Company
3092 Lexington Ave
Roseville, MN 55113

POLICY OBJECTIVE

Required by City Code

FINANCIAL IMPACTS

The correct fees were paid to the City at the time the application(s) were made.

STAFF RECOMMENDATION

Staff has reviewed the applications and has determined that the applicant(s) meet all City requirements. Staff recommends approval of the license(s).

REQUESTED COUNCIL ACTION

Motion to approve the business and other license application(s) pending successful background checks.

Prepared by: Chris Miller, Finance Director
Attachments: A: Applications



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License ☒ Renewal ☐

For License year ending June 30, 2014

1. Legal Name Julie Anna Paani

2. Home Address _____

3. Home Telephone _____

4. Date of Birth _____

5. Drivers License Number _____

6. Email Address _____

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes ☒ No ☐ If yes, list each name along with dates and places where used.

- Minnesota

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.

Colleen & Company 3092 Lexington Ave Roseville 55331

9. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes ☐ No ☒ If yes, explain in detail on a separate page.

Please print this form and mail or hand-deliver along with a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, Massage Therapy Establishments.

Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

License fee is \$100.00

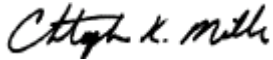
Make checks payable to: City of Roseville

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/2013

Item No.: 7.c

Department Approval



City Manager Approval



Item Description: Approve General Purchases or Sale of Surplus Items Exceeding \$5,000

BACKGROUND

City Code section 103.05 establishes the requirement that all general purchases and/or contracts in excess of \$5,000 be approved by the Council. In addition, State Statutes require that the Council authorize the sale of surplus vehicles and equipment.

General Purchases or Contracts

City Staff have submitted the following items for Council review and approval:

Department	Vendor	Description	Amount	Budget / CIP
Parks & Rec.	Upper Cut Tree Care	Diseased & hazardous tree removal (a)	\$ 20,000.00	Budget

Comments/Description:

a) Not applicable.

Sale of Surplus Vehicles or Equipment

City Staff have identified surplus vehicles and equipment that have been replaced and/or are no longer needed to deliver City programs and services. These surplus items will either be traded in on replacement items or will be sold in a public auction or bid process. The items include the following:

Department	Item / Description

POLICY OBJECTIVE

Required under City Code 103.05.

FINANCIAL IMPACTS

Funding for all items is provided for in the current operating or capital budget.

22 **STAFF RECOMMENDATION**

23 Staff recommends the City Council approve the submitted purchases or contracts for service and, if
24 applicable, authorize the trade-in/sale of surplus items.

25 **REQUESTED COUNCIL ACTION**

26 Motion to approve the submitted list of general purchases and contracts for services; and where
27 applicable, the trade-in/sale of surplus equipment.

28

29

Prepared by: Chris Miller, Finance Director
Attachments: A: None

30



Request for Council Action

Date: 10/21/2013

Item No: 7.d

Department Approval

A handwritten signature in black ink, likely belonging to a department official.

City Manager Approval

A handwritten signature in blue ink, likely belonging to the City Manager.

Item Description: Consider JPA with Ramsey County Violent Crime Enforcement Team

BACKGROUND

In 2005 the County of Ramsey, cities of St. Paul, Maplewood, White Bear Lake and Roseville formed a joint task force for the purpose of more efficiently and effectively enforcing controlled substance laws and investing and prosecuting their related crimes, especially felonies that have the likelihood of being related to the distribution of narcotics and/or other cases that have an impact on both parties. The task force was called the East Metro Narcotics Task Force. The JPA was amended in 2007.

In January of 2010, the East Metro Narcotics Task Force became the Ramsey County Violent Crime Enforcement Team (VCET). As that time VCET was to comply with all requirements for VCETs that are established by the State of Minnesota.

The current Task Force members are Ramsey County, the City of Saint Paul, the City of Maplewood, the City of Roseville, the city of New Brighton and the City of White Bear Lake.

PROPOSED ACTION

Members of the East Metro Task Force through the formation of the task force, can more efficiently enforce controlled substance laws, and the investigation and then prosecution of the related crimes—especially felonies.

The JPA signed in 2005, 2007 and 2010, along with the current JPA have been reviewed and authorized by the City Attorney.

FINANCIAL IMPLICATIONS

Not applicable.

STAFF RECOMMENDATION

Allow the police department to accept and abide by the terms of the Agreement and authorize the Mayor, Interim City Manager, City Attorney, Finance Director and Chief of Police to sign the document.

COUNCIL ACTION REQUESTED

Allow the police department to accept the terms of the Agreement and authorize the Mayor, Interim City Manager, City Attorney, Finance Director and Chief of Police to sign the document.

**JOINT POWERS AGREEMENT OF THE RAMSEY COUNTY VIOLENT CRIME
ENFORCEMENT TEAM**

This is an agreement between Ramsey County, a political subdivision of the State of Minnesota, and the City of Maplewood, the City of New Brighton, the City of Roseville, the City of St. Paul, and the City of White Bear Lake, Minnesota municipalities (hereinafter collectively referred to as “the Parties”), pursuant to the provisions of Minnesota Statutes §471.59, the Joint Powers Act (“Agreement”).

WHEREAS, The Parties each have law enforcement agencies with police powers within their respective jurisdictions: Ramsey County has the Ramsey County Sheriff’s Office, the City of Maplewood has the Maplewood Police Department, the City of New Brighton has the New Brighton Police Department, the City of Roseville has the Roseville Police Department, the City of St. Paul has the St. Paul Police Department and the City of White Bear Lake has the City of White Bear Lake Police Department (hereinafter collectively referred to as “the Agencies”); and

WHEREAS, The Agencies are responsible for the enforcement of controlled substance laws in their respective jurisdictions; and

WHEREAS, On February 7, 2005, Ramsey County, through the Ramsey County Sheriff’s Office, and the City of St. Paul, through the St. Paul Police Department, executed a Joint Powers Agreement (“JPA”) creating the East Metro Narcotics Task Force for a term of one year, with an automatic renewal clause; and

WHEREAS, On January 31, 2007, the JPA was amended to add the Cities of Maplewood, Roseville, and White Bear Lake as members of the Task Force; and

WHEREAS, On June 1, 2010, a Second Amendment to the Agreement was executed to change the name of the East Metro Narcotics Task Force to be the Ramsey County Violent Crimes Enforcement Team (“RCVCET”) and to add the Cities of Lino Lakes and North St. Paul as members; and

WHEREAS, Since the execution of the Second Amendment, the Cities of Lino Lakes and North St. Paul have withdrawn from the RCVCET; and

WHEREAS, The RCVCET was formed for the purpose of enforcing controlled substance laws and investigating and prosecuting gang and violent crimes, especially felonies that have the likelihood of being related to the distribution of narcotics and/or other cases that have an impact on all Parties; and

WHEREAS, It is the intent of the Parties that this Agreement shall constitute an amendment to the JPA, as previously amended, effective upon final execution by all Parties;

46 THEREFORE, The Parties agree as follows:

47 1. General Purpose

48 The purpose of this Agreement is to formally create and establish the Ramsey County
 49 Violent Crime Enforcement Team (hereinafter "RCVCET") as an organization to
 50 coordinate efforts to investigate, apprehend, and prosecute drug offenders, violent
 51 offenders, gang members and career criminals and to define the rights and obligations of
 52 the Parties with respect to the duties and activities performed by the RCVCET throughout
 53 the term of the Agreement. The RCVCET is a separate and distinct public entity to which
 54 the Parties have transferred all responsibility and control for actions taken pursuant to this
 55 Agreement.

56
 57 2. Members

58 The RCVCET is hereby established by the Parties. The RCVCET members are Ramsey
 59 County, the City of Maplewood, the City of New Brighton, the City of Roseville, the City
 60 of St. Paul, and the City of White Bear Lake.

61
 62 3. Good Faith

63 The Parties and the Agencies shall cooperate and use their best efforts to ensure that the
 64 various provisions of this Agreement are fulfilled, and to undertake resolution of
 65 disputes, if any, in good faith and in an equitable and timely manner.

66
 67 4. Term of Agreement/Termination

68 4.1 The initial term of this Agreement shall be for a one-year period, from January 1,
 69 2013, through December 31, 2013 ("Initial Term").

70
 71 4.2 This Agreement shall automatically renew for additional one year periods
 72 ("Renewal Term") up to a maximum of four Renewal Terms, unless all Parties
 73 give written notice to the other Parties of their intent not to renew at least sixty
 74 (60) days prior to the end of the Initial Term or the then-current Renewal Term.

75
 76 4.3 A Party may withdraw from this Agreement at any time with a 30 days written
 77 notice to the other Parties. Withdrawal shall not excuse a Party from obligations
 78 incurred prior to the effective date of withdrawal. This Agreement shall
 79 automatically terminate when all but one Party has withdrawn.

80
 81 4.4 Upon expiration, dissolution, or other termination of this Agreement,

82 4.4.1 any outstanding financial obligations of the RCVCET, excluding
 83 obligations for payment of claims as set forth in Section 7 of this
 84 Agreement, will be paid out of remaining RCVCET Funds and/or the
 85 proceeds of the sale of RCVCET-owned property. If such funds or
 86 proceeds are inadequate to meet all of such outstanding financial
 87 obligations, the shortage will be subject to payment by the individual
 88 Parties to this Agreement as follows: 50% will be paid by the Ramsey
 89 County Sheriff and the remaining 50% will be paid by the police
 90 departments of the Cities, each in a sum that is a percentage of the total
 91 obligation that is equal to the percentage the city's population bears to the

population of all of the Cities combined, upon receipt of a notice from the Fiscal Agent (See Section 9.2);

4.4.2 if, after payment of all outstanding financial obligations pursuant to section 4.4.1, there remain any RCV CET funds or property owned by the RCV CET, all RCV CET funds, property owned by the RCV CET, or the proceeds of a sale of RCV CET property shall be distributed to the Agencies that are members of the RCV CET at the time of the expiration, dissolution, or termination and who have been members of the RCV CET for a minimum of 12 consecutive months prior to the expiration, dissolution, or termination, using the formula set forth in section 4.4.1 for payment of outstanding financial obligations; and

4.4.3 property of the Agencies or the Parties that had been loaned for use by the RCV CET shall be returned to the loaning Agency or Party.

5. State Assistance for Narcotics Control

Ramsey County, acting on behalf of RCV CET, the Parties to this Agreement, and/or the Agencies, in relation to this Agreement, shall be the grant applicant for funding from the Minnesota Office of Justice Programs (“OJP”), Department of Public Safety (“DPS”) for multi-jurisdictional narcotics task forces and violent crime teams, and all other sources for this Agreement. The Parties agree to seek and maintain certification pursuant to the provisions of Minn. Stat. §299A.642, subd.4.

6. RCV CET Board

6.1 The governing body of the RCV CET shall be a Board of Directors (“RCV CET Board”), to be made up of the chief law enforcement officer or designee from each of the Agencies; one representative from the RCAO; and up to three additional members selected by the governing body. All Directors shall serve at the pleasure of their appointing authorities. The RCV CET Board shall select an Executive Director on an annual basis, who shall conduct business meetings, document meeting minutes, and maintain frequent communication with members of the RCV CET Board and the Commander.

6.2 Directors shall not be deemed employees of the RCV CET and shall receive no compensation from the RCV CET for serving as directors.

6.3 The RCV CET Board has final administration and policy decision-making authority for the RCV CET, including development of a strategic enforcement plan. Decisions shall be made by a majority of the RCV CET Board.

6.4 The RCV CET Board shall meet quarterly to evaluate the progress of the RCV CET. The RCV CET Board shall maintain financial and other records of RCV CET activities. A special meeting may be called by any Director, or by the RCV CET Commander.

6.5 The RVCET Board, through the Fiscal Agent, may apply for grants, approve contracts, including agreements for the rental of real property, incur expenses and make expenditures necessary and incidental to the effectuation of the purpose for which the RVCET is organized as described in Section 1 of this Agreement and consistent with the powers of the RVCET Board.

6.6 The RVCET Board will develop and approve RVCET priorities, a RVCET budget, and RVCET operational policies and procedures.

6.7 The RVCET Board shall cooperate with other federal, state, and local law enforcement agencies when appropriate and necessary to accomplish the purpose for which the RVCET is organized.

6.8 The RVCET Board, through the Fiscal Agent, shall make the RVCET books, reports, and records open to inspection by the Agencies at all reasonable times.

6.9 The RVCET Board has sole authority to incur obligations and approve contracts and take final action on behalf of the RVCET.

6.10 The RVCET Board may not incur obligations or approve contracts that extend beyond the Initial Term or any Renewal Term of this Agreement or which will require the expenditure of funds in excess of RVCET Funds available.

6.11 The RVCET Board shall make a quarterly statistical report and a financial report to the Parties on all activities conducted by the RVCET.

6.12 The RVCET Board shall arrange an audit annually of all of the RVCET's financial accounts, the cost of which will be paid out of state funds.

7. Insurance and Indemnification

7.1 The RVCET shall purchase a policy of municipal liability insurance, and may purchase such other insurance as it deems appropriate and necessary, covering the acts and omissions of the RVCET, its Board of Directors and its employees, and the Parties to this Agreement and their employees, officials, and agents, in an amount not less than the statutory maximum set forth in Minn. Stat. §466.04. The cost of the municipal liability insurance policy shall be paid from the RVCET Funds. The cost of any other insurance shall be paid in a manner to be determined by the RVCET Board

7.2 The RVCET shall defend, indemnify and hold harmless the Parties, their officers, employees, and volunteers, from and against any and all claims, damages, losses, suits, judgments, costs, and expenses, including attorney's fees, arising out of or related to the acts or omissions of any person acting on behalf of the RVCET Board in carrying out the terms of this Agreement.

7.3 For liability not covered by insurance, the Parties and the RVCET agree to share the costs of such liability, including the costs of defense, using the formula

described in 4.4 for allocation of payment for outstanding obligations and distribution of assets on termination of this Agreement.

7.4 Nothing herein, including the purchase by the RCV CET of excess liability coverage for federal law claims, shall constitute a waiver of the limits of liability, exceptions, defenses, or immunities under Minnesota State statutes.

7.5 To the fullest extent permitted by law, actions by the Parties to this Agreement are intended to be and shall be construed as a “cooperative activity” and it is the intent of the Parties that they shall be deemed a “single governmental unit” for the purposes of liability, as set forth in Minn. Stat. §471.59, subd. 1a (a), provided further that for purposes of that statute, each Party to this Agreement expressly declines responsibility or liability for the acts or omissions of another Party, its officials, employees, and volunteers.

8. RCVCET Operations

8.1 The RCV CET shall operate in compliance with the Multijurisdictional Task Force Operating Procedures and Guidelines Manual adopted by the Violent Crime Coordinating Council on June 12, 2013, as may be amended from time to time, all of which are incorporated herein and made part of this Agreement by reference.

8.2 Ramsey County shall serve as the Coordinating Agency. Daily operation and responsibility for carrying out the purpose of the RCV CET shall be under the direction of the RCV CET Commander, selected by the RCV CET Board.

8.3 The RCV CET Commander will plan and coordinate case activities and direct investigative activities based on intelligence provided by the Agencies, with priorities as determined by the RCV CET Board.

8.4. The RCV CET Board shall operate in compliance with all reporting requirements of a grant recipient.

9. Finances

9.1 RCV CET operations will be financed from the RCV CET Byrne grant funding, subject to the Terms and Conditions and Grant Program Guidelines, incorporated herein by reference; and may be additionally funded by supplemental funding from participating Agencies and/or from RCV CET drug forfeiture funds; and by any other grant funds obtained by the RCV CET (“RCVCET Funds”).

9.2 Ramsey County shall serve as the Fiscal Agent for the RCV CET. Ramsey County shall not receive compensation from RCV CET Funds for its services.

9.3 Ramsey County, as Fiscal Agent, is authorized to receive all RCV CET Funds for deposit and make disbursements therefrom in accordance with generally accepted accounting practices and procedures, the current Office of Justice Program’s Grant Manual, Governmental Accounting Standards, the Ramsey County Finance

Office Policies and Procedures for Fiscal Agents, and federal and state requirements. In conjunction therewith, the Ramsey County Sheriff's Office Accounting Division shall maintain current and accurate records of all obligations and expenditures of RVCET Funds during the Initial Term and any Renewals and for six years after the termination of this Agreement in accordance with state law.

9.3.1 All RVCET Funds handled by the Fiscal Agent shall be deposited into a separate RVCET account at the County's depository bank.

9.3.2 Interest accrued on the RVCET Funds shall be deposited in the RVCET Funds account.

9.4 RVCET Funds may be expended only as directed by the RVCET Board and in accordance with this Agreement. In no event shall there be an expenditure of RVCET Funds except per the approved RVCET budget.

9.5 As Fiscal Agent, the Ramsey County Sheriff's Office shall be responsible for daily monitoring and maintenance of RVCET financial matters and shall make and submit to the RVCET Board a quarterly report of the budget status of the RVCET Funds.

9.6 Any issues raised by a Member regarding the activities of the Fiscal Agent shall first be brought to the attention of the RVCET Commander. If the matter is not resolved to the satisfaction of the Member, the Commander shall present the issue to the RVCET Board for resolution. Any issues raised by the Fiscal Agent shall first be brought to the attention of the RVCET Commander. If the matter is not resolved to the satisfaction of the Fiscal Agent, the Commander shall present the issue to the RVCET Board for resolution.

9.7 As Fiscal Agent, Ramsey County is not responsible for providing services outside of the scope of services described in this Agreement. The County is not liable for management decisions made by the RVCET. The County is not responsible for cash shortfalls due to funding shortfalls of the RVCET.

10. RVCET Personnel

10.1 The Agencies shall assign licensed peace officers and/or civilian personnel to the RVCET as needed to carry out its purpose and to perform their responsibilities under this Agreement.

10.2 All personnel assigned to the RVCET ("RVCET Personnel") shall remain employees of the Party whose Agency assigned the personnel and shall not be considered temporary or permanent employees of any of the other Parties or Agencies or the RVCET for any purpose whatsoever or be entitled to tenure rights or any rights or benefits by way of workers compensation, re-employment insurance, medical and hospital care, sick and vacation leave, severance pay, PERA or any other right or benefit of another of the Parties. The Parties

acknowledge their individual responsibility to provide all salary compensation and fringe benefits to their employees while performing services on behalf of the RCV CET. Benefits may include, but are not limited to, health care, disability insurance, life insurance, re-employment insurance, FICA, Medicare, PERA, vacation, sick leave, and unpaid leave of absence.

10.3 All RCV CET Personnel shall be required to comply with the Violent Crime Coordinating Council's Multijurisdictional Task Force Operating Procedures and Guidelines Manual and more restrictive rules of conduct and operating procedures prescribed by the RCV CET Commander, which shall be developed in consultation with the heads of the Agencies and in recognition of the rules of their respective Agencies, and adopted by the RCV CET Board. The RCV CET Commander, or his/her designee, shall refer disciplinary matters involving RCV CET Personnel to the person's originating Agency for investigation and disposition unless, based on the judgment of the RCV CET Commander, or his/her designee, a particular matter represents probable cause for the issuance of a criminal complaint, in which case the matter shall be referred directly to an external law enforcement agency for investigation, provided the person's Agency head is notified in advance thereof.

10.4 As assigned by the RCV CET Commander, RCV CET Personnel will be responsible for drug, gang and violent crime investigation, including information management, case development, and presenting cases for charging to the appropriate prosecuting authority. RCV CET Personnel may also assist other law enforcement agencies in surveillance and undercover operations. RCV CET Personnel will work cooperatively with assisting agencies. RCV CET Personnel who are peace officers and who take action in the jurisdiction of another jurisdiction are authorized to exercise the powers of a peace officer in the other jurisdiction for purposes of the RCV CET activities.

11. Advisor

The Ramsey County Attorney shall designate an Assistant Ramsey County Attorney to provide civil legal advice to the RCV CET Board as, and if, required.

12. Location

RCV CET activities shall take place out of a central location to be agreed to by the Agencies.

13. Forfeiture, Seizures and Fines

Proceeds received by the Agencies pursuant to Minnesota statutes on forfeitures from RCV CET case forfeitures shall be turned over to the Fiscal Agent to be used to support the efforts of the RCV CET according to the RCV CET Grant requirements. The use and disbursement of these proceeds must be approved by the RCV CET Board.

14. New Members

A governmental unit may become an additional member of the RCV CET upon approval by the RCV CET Board. Any governmental unit that applies to become a member must agree to assign at least one officer to the RCV CET. A governmental unit that becomes a new member shall be included in the term "Parties" as used in this JPA, its law enforcement agency shall be included in the term "Agencies" as used in this JPA, and the member and its agency shall be subject to all of the provisions of this JPA. Such governmental unit will become a member effective upon filing with the Fiscal Agent a certified resolution of the governmental unit's governing body approving and authorizing execution of this Agreement and an executed counterpart copy of this Agreement. Upon receipt of such resolution and executed copy, the Fiscal Agent will prepare a conformed copy showing execution by existing Parties and the new member and forward a copy to all Parties.

15. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document. All executed counterparts of this Agreement shall be forwarded to the Fiscal Agent. Upon receipt of executed counterparts from all parties, the Fiscal Agent will prepare one conformed copy of this Agreement and provide a copy to each Party.

16. The Parties to this Agreement are subject to the provisions of Minn. Stat. §299A.642.

17. This Agreement shall amend the JPA signed on February 7, 2005, as amended on January 31, 2007, and June 1, 2010, effective upon final execution by all Parties ("Effective Date").

IN WITNESS THEREOF, the undersigned Parties, by action of their governing bodies, have caused this Agreement to be executed in accordance with the authority of Minnesota Statutes §471.59.

RAMSEY COUNTY

Rafael Ortega, Chair
Ramsey County Board of Commissioners

Bonnie Jackelen, Chief Clerk
Ramsey County Board of Commissioners

Date: _____

Approval recommended:

Matt Bostrom, Ramsey County Sheriff

Approved as to form and insurance:

Assistant County Attorney

CITY OF MAPLEWOOD

By: _____
Will Rossbach, Mayor

Date: _____

By: _____
R. Charles Ahl, City Manager

Date: _____

Approval recommended:

Paul Schnell, Police Chief
Maplewood Police Department

Approved as to form and legality:

City Attorney

Financial Services Director

CITY OF NEW BRIGHTON

By: _____
Dave Jacobsen, Mayor

Date: _____

By: _____
Dean R. Lotter, City Manager

Date: _____

Approval recommended:

Bob Jacobsen, Director
New Brighton Police Department

Approved as to form and legality:

City Attorney

Financial Services Director

CITY OF ROSEVILLE

By: _____
Dan Roe, Mayor

Date: _____

By: _____
Patrick J. Trudgeon, Interim City Manager

Date: _____

Approval recommended:

Rick Mathwig, Police Chief
Roseville Police Department

Approved as to form and legality:

City Attorney

Financial Services Director

CITY OF SAINT PAUL

By: _____
Christopher B. Coleman, Mayor

Date: _____

Approval recommended:

Thomas E. Smith, Police Chief
Saint Paul Police Department

Approved as to form and legality:

Saint Paul City Attorney

Financial Services Director

CITY OF WHITE BEAR LAKE

By: _____
Jo Emerson, Mayor

Date: _____

By: _____
Mark Sather, City Manager

Date: _____

Approval recommended:

Julie Swanson, Captain/Acting Police Chief
White Bear Lake Police Department

Approved as to form and legality:

City Attorney

Financial Services Director

REQUEST FOR COUNCIL ACTION

Date: 10/21/13
Item No.: 7.e

Department Approval



City Manager Approval



Item Description: Consider Resolution to Accept the Work Completed, Authorize Final Payment, and Commence the One-Year Warranty Period on the 2012 Storm Sewer Main Lining Project

BACKGROUND

On September 10, 2012, the City Council awarded the 2012 Storm Sewer Main Lining Project to Visu-Sewer, Inc., of Pewaukee, Wisconsin. The work for this contract was finished in August, 2013, and the contractor has requested final payment. This project consisted of 512 linear feet of large diameter storm sewer main lining in 2 locations where groundwater inflow was causing pavement settlements and the pipe had deteriorated inverts due to scouring.

POLICY OBJECTIVE

City policy requires that the following items be completed to finalize a construction contract:

- Certification from the City Engineer verifying that all of the work has been completed in accordance with plans and specifications.
- A resolution by the City Council accepting the contract and beginning the one-year warranty.

FINANCIAL IMPACTS

The final contract amount, \$142,000.00, is \$3,010.00 less than the awarded amount of \$145,010.00. This is a result of actual footage being less than indicated on the record drawings that were used to develop the bids. Staff has noted and updated record drawings to reflect the changes identified in the field.

This project was funded using Storm Sewer Infrastructure funds.

STAFF RECOMMENDATION

Since all necessary items have been completed in accordance with project plans and specifications, staff recommends the City Council approve a resolution accepting the work completed as the 2012 Storm Sewer Main Lining Project and authorize final payment of \$96,153.00.

REQUESTED COUNCIL ACTION

Approve the resolution accepting the work completed as 2012 Storm Sewer Main Lining Project, starting the one-year warranty and authorizing final payment.

Prepared by: Kristine Giga, Interim City Engineer
Attachments: A: Resolution
B: City Engineer Certification

WITNESS MY HAND officially as such Manager this 21st day of October, 2013.

(SEAL)



October 21, 2013

TO THE CITY COUNCIL, CITY OF ROSEVILLE, MINNESOTA

RE: 2012 Storm Sewer Main Lining Project
Contract Acceptance and Final Payment

Dear Council Members:

I have observed the work executed as a part of the 2012 Storm Sewer Main Lining Project. I find that this contract has been fully completed in all respects according to the plans, specifications, and the contract. I therefore recommend that final payment be made from the improvement fund to the contractors for the balance on the contract as follows:

Original Project amount (based on estimated quantities)	\$145,010.00
Change Orders	\$0.00
Final Contract Amount	\$145,010.00
Actual amount due (based on actual quantities)	\$142,000.00
Previous payments	\$45,847.00
Balance Due	\$96,153.00

Please let me know if you have any questions or concerns and would like more information.

Sincerely,

Kristine Giga, P.E.
Interim City Engineer
651-792-7048
Kristine.giga@ci.roseville.mn.us

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: October 21, 2013
Item No.: 9.a

Department Approval



City Manager Approval



Item Description: Consider an Ordinance amending Title Five, Chapter 501 of the Roseville City Code specific to Animal Control

BACKGROUND

In an effort to adhere to current statewide rabies vaccination guidelines, proposed is a revision and amendment to Roseville City Code Title Five, Section 501.06 D1 as reflected in the Attachment to this RCA. The proposed amendment revises previous rabies vaccination guidelines from a two-year vaccination requirement to a rabies vaccination protocol established by a licensed veterinary doctor.

Additional amendments include adding language referring to authorized city designees including police reserve officers as enforcers of Animal Control regulations and a language revision of Section 501.16 regarding proper enclosures for dangerous and/or potentially dangerous animals.

The proposed revisions and amendments have been reviewed and approved by the City Attorney.

POLICY OBJECTIVE

Approve the revisions to Title Five, Chapter 501 of the Roseville City Code as stated in the attachment.

FINANCIAL IMPACTS

There is no cost to the City.

STAFF RECOMMENDATION

Staff recommends approval of the revisions to Roseville City Code Title Five, Chapter 501.

REQUESTED COUNCIL ACTION

Adoption of the ordinance amendment as proposed in the attachment (Title Five, Chapter 501 Roseville City Code) to this RCA.

Prepared by: Kirk Lindahl, Lead Community Service Officer
Attachments: A: Draft Ordinance Amending Title Five, Chapter 501
B: Ordinance Summary

City of Roseville
ORDINANCE NO. _____

AN ORDINANCE AMENDING SELECTED TEXT OF TITLE FIVE, CHAPTER 501
ANIMAL CONTROL OF THE ROSEVILLE CITY CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to update rabies vaccination language as it pertains to two-year animal license requirements, as well as language pertaining to authorized enforcers and proper enclosures.

SECTION 2. Chapter 501 Animal Control of the Roseville City Code is hereby amended as follows:

SECTION:

- 501.01: Definitions
- 501.02: Confinement of Animals
- 501.03: Certain Animals Declared Nuisance
- 501.04: Complaints
- 501.05: Animals Forbidden Motels - Repealed
- 501.06: License Required
- 501.07: Issuance of Tags
- 501.08: Affixing Tags
- 501.09: Records
- 501.10: Impounding
- 501.11: Redemption
- 501.12: Permissible Return of Unrestrained Animal
- 501.13: Disposition of Unclaimed Dogs or Cats
- 501.14: Impoundment Establishment
- 501.15: Muzzling
- 501.16: Dangerous Animals
- 501.17: Attack by an Animal
- 501.18: Summary Destruction of Certain Animals
- 501.19: Kennels
- 501.20: Special Multiple Dog Licenses - Repealed
- 501.21: Riding Horses
- 501.22: Cleanup
- 501.23: Wild Animals
- 501.24: Owner Obligation for Proper Care
- 501.25: Enforcement

501.01: DEFINITIONS:

Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

AT LARGE: Off the premises of the owner and not under the control of the owner, a member of the owner's immediate family or a person designated by the owner, and in the case of a dog, by a leash, cord or chain not more than six feet in length. The person in charge must be of sufficient age to adequately control the dog. A dog under control solely by means of command or signal shall be considered under control only if in the presence of the owner or some other person of suitable age and discretion and on the owner's premises or the premises of another who has given consent to the owner.

ELECTRONICALLY TAGGED ANIMAL: A pet that has been implanted with a microchip or other electronic device that uniquely identifies the animal and its owner when the device is scanned by the City's equipment. (Ord.1355, 11-19-2007)

OWNER: Any person keeping a dog or other animal. (Ord. 1078, 6-25-1990)

SERVICE ANIMALS: A service animal is an animal specially trained to assist a person with disabilities. A service animal is required to be licensed in accordance with this Chapter. (Ord. 1168, 8-12-1996) (Ord. 1355, 11-19-2007)

STERILIZED ANIMAL: An animal that has been spayed or neutered. (Ord. 1355, 11-19-2007)

501.02: CONFINEMENT OF ANIMALS:

No animal shall be allowed by its owner to run at large and every animal in heat shall be confined during such entire period and until such animal shall not attract other animals due to being in heat. (Ord. 1078, 6-25-1990)

501.03: CERTAIN ANIMALS DECLARED NUISANCE:

Any animal which shall, by any noise, disturb the peace and quiet of any other person, any animal which habitually barks or cries for extended or unreasonable periods of time, or any animal which damages plantings or structures or deposits fecal matter on public or private property of others is hereby declared to be a nuisance. The keeping of any such animal also constitutes an administrative offense under Section 102.02.C., for which an administrative penalty may be issued. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.04: COMPLAINTS:

A. Any person aggrieved by an animal nuisance may make a written complaint to the Police Department, or such other persons designated by the City Manager, stating the acts complained of, the name and address of the owner of the animal and the name and address of the person making the complaint. The Police Department shall then promptly notify the person owning or keeping the animal and shall order the nuisance abated within five days. If such animal nuisance is not abated within that time, a charge may be made against the owner or keeper of the animal and any person found to have violated the provisions of this Section shall be guilty of a misdemeanor.

B. If a police officer, ~~or~~ community service officer or reserve officer deems it necessary, the officer may take the animal immediately to the impound to stop the nuisance. (Ord. 1078, 6-25-1990)

501.05: ANIMALS FORBIDDEN MOTELS: Repealed (Ord. 1355, 11-19-2007)

501.06: LICENSE REQUIRED:

- A. A license shall be obtained by the owner of any dog or cat kept or maintained within the corporate limits of the City that is three months of age or older. The license must be obtained within 30 days of acquiring the animal, or within 30 days of becoming a resident of the City. This requirement shall not apply to pets whose owners are temporary visitors within the City for 30 days or less.
- B. Licenses may be obtained from the City or from any entity designated by the City to issue pet licenses and remit license fees as established in the City Fee Schedule in Section 314.05.
- C. The license application shall be made on forms provided by the City, and shall require, at a minimum, the owner's address and phone number, and proof of current rabies vaccination for the pet.
- D. Types of Licenses; Fees:
1. Two-Year License. The two-year pet license shall be the minimum requirement of this Chapter. A two-year license shall be issued upon completion of the required application and payment of the required fee as established by the City Fee Schedule in Section 314.05 for a period of time not to exceed ~~the expiration date of a two years rabies vaccination that is current at the time of issuance of the license.~~ As a condition of validity of an issued two-year license, the owner will maintain certification by a licensed veterinarian of the animal's current rabies vaccination. Two-year licenses must be renewed by the holder within 30 days of the expiration of the ~~two year rabies vaccine, which~~ license. Renewal will be granted upon proof of current rabies vaccination and payment of the required fee as established by the City Fee Schedule in Section 314.05. Fees for two-year licenses shall be as established by the City Fee Schedule in Section 314.05, and at a minimum shall include differential fees based on the status of the animal as being non-sterilized, non-sterilized and electronically tagged, sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are non-sterilized and not electronically tagged so as to provide incentive for sterilizing and electronically tagging animals.
 2. Lifetime License. Lifetime pet licenses shall be issued by the City for sterilized animals as an alternative to two-year licenses. A lifetime license shall be issued upon completion of the required application, payment of the required fee as established by the City Fee Schedule in Section 314.05, and in the case of electronically tagged animals, registration with the City of the unique identifying information related to the electronic device and demonstration that the implanted device can be read by the City's equipment. As a condition to continued validity of an issued lifetime license, the owner will maintain ~~submit to the City every two years~~ proof of the animal's current rabies vaccination. Fees for lifetime licenses shall be as established by the City Fee Schedule in Section 314.05 and at a minimum shall include differential fees based on the status of the animal as being sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are not electronically tagged so as to provide incentive for the electronic tagging of animals. Lifetime licenses may be revoked by the City without refund of fees paid if the animal's rabies vaccinations are not kept current. When a lifetime license has been revoked, a new lifetime license may be obtained through the procedures and with payment of the fees as established by the City Fee Schedule in Section 314.05.

131 3. Special Two-Year Multiple Dog License. Special two-year multiple dog licenses may be
132 issued by the City for three or four sterilized dogs to be kept at a licensed premises upon
133 completion of the required application and payment of the required fee, subject to the
134 following conditions:

135 a. Written approval from the occupants of at least 75% of the residential properties
136 abutting the licensed premises;

137 b. Maintenance of a yard on the premises that is fenced in such a manner as to restrain
138 dogs on the premises from leaving the yard, and

139 c. That a nuisance is not created on the premises by the excessive barking of the dogs or
140 the existence of unsanitary conditions.

141 Special two-year multiple dog licenses must be renewed by the holder within 30 days of the
142 expiration of the license, which renewal may be granted upon proof of current rabies
143 vaccination and payment of the required fee. The Chief of Police may deny requests for
144 renewal based upon complaints received during the preceding year. Denial of renewal may
145 be appealed by written request for a hearing before the City Council, which must be
146 submitted within ten days of the denial.

147 Fees for special two-year multiple dog licenses shall be as established by the City Fee
148 Schedule in Section 314.05.

149 Special multiple dog licenses will not be granted for non-sterilized dogs, and will not be
150 issued on a lifetime basis.

151 A. Fee Adjustments. When a license is issued for an non-sterilized pet that is less than six
152 months old at the time of issuance, and the pet is subsequently sterilized within three months
153 of the issuance of the license, upon proof of the sterilization the City will refund the owner
154 the difference between the fee paid for the license and the required fee for a sterilized animal.
155 Upon the written recommendation of a licensed veterinarian that due to age or health reasons
156 the animal should not be sterilized, the City may in that case charge the license fee for a
157 sterilized animal rather than that for a non-sterilized animal.

158 B. Maintenance of current address. All license holders shall notify the City within ten days of
159 any address change within the corporate limits of the City and any change of ownership of a
160 licensed animal.

161 (Ord. 1355, 11-19-2007)

162 **501.07: ISSUANCE OF TAGS:**

163 Upon the payment of the license fee and presentation of a rabies vaccination certificate, the City
164 shall issue a license tag to the animal owner. Duplicate tags will be issued upon payment of a
165 replacement fee as provided in Section 301.03. Animal tags shall not be transferred from one
166 animal to another. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

167 **501.08: AFFIXING TAGS:**

168 Every owner of any animal required to be licensed is required to provide the animal with a collar
169 to which the license and vaccination tags must be affixed, and the collar, with tags attached, must
170 be worn by such animal at all times. (Ord. 1078, 6-25-1990)

171 **501.09: RECORDS:**

The City shall keep a record of all animal licenses issued with the name, address and telephone number of the person to whom the license is issued and name, age, description of the animal and dates of rabies vaccination. (Ord. 1078, 6-25-1990)

501.10: IMPOUNDING:

Any dog or cat found running at large or without valid tags displayed, off the owner's premises, may be seized and may be impounded. All animals found to be a nuisance under Section 501.03 may be impounded. Any police officer and/or other authorized city designee may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animals, if known. In case the owner is unknown, the officer shall post notice at the City Hall Office that if the dog or other animal is not claimed within the time specified in this subdivision, it will be sold or otherwise disposed of. All animals impounded shall be kept with humane treatment and sufficient food and water for their comfort for at least five regular business days as defined by Minnesota Statutes Section 35.71, Subd. 3, unless the animal is a dangerous animal as defined under Minnesota Statutes Sections 347.50 to 347.54, in which case it shall be kept for seven days, and except if the animal is a cruelly-treated animal under Minnesota Statutes Section to 343.235, in which case it shall be kept for ten days, unless sooner reclaimed by the owner or returned to the owner. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

501.11: REDEMPTION:

Any dog or cat may be redeemed from the pound by the owner upon the payment to the pound master of an impound and daily care fee. Proof of rabies vaccination and current animal license must be presented by the owner. (Ord. 1078, 6-25-1990; amd. 1995 Code)

501.12: PERMISSIBLE RETURN OF UNRESTRAINED ANIMAL:

Notwithstanding the provisions of Section 501.10, if a licensed animal is found at large and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this Chapter, including but not limited to the issuance of an administrative penalty in the amount determined in accordance with Section 102.02C. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.13: DISPOSITION OF UNCLAIMED DOGS OR CATS:

Any dog or cat which is not claimed within the period prescribed in Section 501.10 after impounding may be sold, for not less than the amount provided in Section 501.11, to anyone desiring to purchase the dog or cat, unless said dog or cat is requested by a licensed education scientific institution under Minnesota Statute section 35.71. All such funds shall be paid to the City and placed in the General Fund. Any dog or cat which is not claimed by the owner or sold shall be humanely destroyed. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.14: IMPOUNDMENT ESTABLISHMENT:

The City Council, by resolution, shall designate one or more establishments that will receive custody of animals seized pursuant to this Chapter, which establishment(s) shall comply with all state law and regulations pertaining to establishments having custody of seized animals,

including but not limited to Minnesota Statutes Section 35.71. Every impoundment establishment that receives seized animals from the City shall file a monthly report with the City Council relating to the operation of such establishment and shall be maintained in a clean and orderly manner and shall be subject to periodic inspection by the applicable regulatory authorities. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

501.15: MUZZLING:

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on their premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation and any dog running at large during the time fixed in the proclamation may be destroyed by the police or designee without notice to the owner. (Ord. 1078, 6-25-1990)

501.16: DANGEROUS ANIMALS:

A. Definitions

ANIMAL CONTROL AUTHORITY means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

DANGEROUS ANIMAL means any animal that has:

1. without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. killed a domestic animal without provocation while off the Owner's property; or
3. been found to be potentially dangerous, and after the Owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

POTENTIALLY DANGEROUS ANIMAL means any animal that:

1. when unprovoked, bites a human or domestic animal on public or private property;
2. on more than one occasion when unprovoked, chases or approaches a person, including a person on a bicycle, or other wheeled conveyance (such as a skateboard, scooter or the like) upon the streets, sidewalks, or any public or private property, other than the animal Owner's property, in an apparent attitude of attack; or
3. has a known propensity, tendency, or disposition to attack unprovoked, based upon report, complaint and/or call for service causing injury or otherwise threatening the safety of humans or domestic animals.

GREAT BODILY HARM has the meaning given it under Minn. Stat. § 609.02, subd. 8.

HEARING OFFICER means an impartial employee appointed by the City, or an impartial person retained by the City, to conduct a hearing under this Ordinance. (Ord. 1391, 3-29-2010)

OWNER means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

PROPER ENCLOSURE means securely confined indoors or in a securely locked pen or kennel suitable to prevent the animal from escaping and to provide protection for the animal from the elements, to include adequate food and water. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. Such

enclosure shall not allow the egress of the animal in any manner without human assistance.
A pen or kennel for a dog shall meet the following minimum specifications:

1. Have a minimum overall floor size of 32 square feet.

~~Sidewalks~~ Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen inches in the ground.

2. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

3. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

SUBSTANTIAL BODILY HARM has the meaning given it under Minn. Stat. § 609.02, subd. 7a.

B. Dangerous Animal Registration

1. No person may own a dangerous animal in the City unless the animal is registered as provided in this Section.

2. The City will, upon application by the Owner, issue a certificate of registration to the Owner of a dangerous animal if the Owner presents evidence that:

a. a proper enclosure exists for the dangerous animal;

b. a warning sign provided by the City, to inform children that there is a dangerous dog on the property, has been placed on the animal Owner's property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The City may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol. (Ord. 1391, 3-29-2010)

c. the Owner has procured a surety bond issued by a surety company authorized to do business in Minnesota, in a form acceptable to the City in at least the sum of \$300,000 payable to any person injured by the animal or, alternatively, the Owner has in place a policy of insurance providing the same protection (Ord. 1391, 3-29-2010)

d. the Owner of a dangerous animal must have had an identification microchip implanted in the dangerous animal, and the City has been provided with the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the Owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's Owner.

3. Dangerous animal designation review. Beginning six months after an animal is declared dangerous; an Owner may request annually that the animal control authority review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the authority may rescind the dangerous animal designation.

4. Exemption. Animals may not be declared dangerous if the threat, injury, or damage was

302 sustained by a person:

- 303 a. who was committing, at the time, a willful trespass or other tort upon the premises
- 304 occupied by the Owner of the animal;
- 305 b. who was provoking, tormenting, abusing, or assaulting the animal or who can be
- 306 shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the
- 307 animal; or
- 308 c. who was committing or attempting to commit a crime.

309 5. Tag. The dangerous animal registered under this section must have a tag containing the
310 uniform dangerous dog symbol, identifying the animal as dangerous, which is affixed to the
311 animal's collar at all times. (Ord. 1391, 3-29-2010)

312 C. Regulation of Potentially Dangerous Animals

313 1. An Owner of an animal that has been determined to be potentially dangerous may be
314 required to comply with any or all of the following:

- 315 a. The Owner may be required to complete animal obedience classes.
- 316 b. The Owner shall keep the animal, while on the Owner's property, in a proper
- 317 enclosure. If the potentially dangerous animal is outside the proper enclosure, the animal
- 318 must be muzzled and restrained by a substantial chain or leash, which may not exceed six
- 319 feet in length. The chain or leash must be under the control of an individual 18 years of
- 320 age or older.
- 321 c. The Owner shall be required to provide proof of current vaccinations.
- 322 d. The Owner of a potentially dangerous animal must have had an identification
- 323 microchip implanted in the potentially dangerous animal, and the City has been provided
- 324 with the name of the microchip manufacturer and identification number of the microchip
- 325 must be provided to the animal control authority. If the microchip is not implanted by the
- 326 Owner, it may be implanted by the animal control authority. In either case, all costs
- 327 related to purchase and implantation of the microchip must be borne by the dog's Owner.
- 328 2. Potentially Dangerous animal designation review. Beginning six months after an animal
- 329 is declared potentially dangerous, an Owner may request annually that the animal control
- 330 authority review the designation. The Owner must provide evidence that the animal's
- 331 behavior has changed due to the animal's age, neutering, environment, completion of
- 332 obedience training that includes modification of aggressive behavior, or other factors. If the
- 333 animal control authority finds sufficient evidence that the animal's behavior has changed,
- 334 the authority may rescind the potentially dangerous animal designation. (Ord. 1420, 11-14-
- 335 2011)

336 D. Regulation of Dangerous Animals

- 337 1. An Owner of a dangerous animal shall keep the animal, while on the Owner's property,
- 338 in a proper enclosure. If the dangerous animal is outside the proper enclosure, the animal
- 339 must be muzzled and restrained by a substantial chain or leash, which may not exceed six
- 340 feet in length. The chain or leash must be under the control of an individual 18 years of age
- 341 or older.
- 342 2. An Owner of a dangerous animal must renew the registration of the animal annually until
- 343 it is deceased. Renewal of registration must include proof of up-to-date rabies vaccinations.
- 344 3. An Owner of a dangerous animal must notify the City in writing of the animal's death or
- 345 its transfer to a new location within 30 days of death or transfer, and must execute an
- 346 affidavit of death or transfer as requested by the City. (Ord. 1391, 3-29-2010)
- 347 4. An Owner of a dangerous animal must have the animal sterilized at the Owner's expense.

The Owner must provide proof of sterilization of the animal to the City. If the Owner does not have the animal sterilized within 30 days of the dangerous animal determination, the animal control authority shall seize the animal and have the animal sterilized at the Owner's expense. (Ord. 1391, 3-29-2010)

5. The Owner of a dangerous animal who rents property from another, must notify the property Owner, prior to signing the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will also reside at the property.

6. A person that transfers a dangerous animal must notify the new Owner that the animal has been identified as dangerous, and must also notify the City in writing, providing the new Owner's name, address and telephone number. (Ord. 1391, 3-29-2010)

7. The City shall seize a dangerous animal if, after 14 days after the Owner has notice that the animal is dangerous, the animal is not validly registered as a dangerous animal or the Owner has not secured the required liability insurance or surety coverage. The City may seize a dangerous animal if any other of the requirements contained in this subdivision have not been met. A seized animal may be reclaimed upon payment of impounding and confinement costs and proof that the requirements of this Ordinance have been met. An animal not reclaimed within seven days will be destroyed, and the Owner will be liable for all costs incurred in confining and disposing of the animal. A person claiming an interest in a seized animal may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual cost of care and keeping. The security must be posted within 7 days of the seizure inclusive of the date of the seizure. (Ord. 1391, 3-29-2010)

8. Beginning six months after an animal is declared a dangerous animal; an Owner may request annually that the City review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City finds sufficient evidence that the animal's behavior has changed, the City may rescind the dangerous animal designation.

9. Notwithstanding anything in this Ordinance to the contrary, the City may seize and destroy an animal that has:

- a. inflicted substantial or great bodily harm on a human on public or private property without provocation;
- b. inflicted multiple bites on a human on public or private property without provocation;
- c. bit multiple human victims on public or private property in the same attack without provocation; or
- d. bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.

Destruction of the animal may occur after the animal Owner has been notified of the intended destruction and, at least 7 days to request a hearing challenging the decision to destroy the animal.– If a hearing is requested, the hearing shall be before a hearing officer. (Ord. 1391, 3-29-2010)

10. Law enforcement; exemption. Nothing contained in this Ordinance shall apply to dogs used for law enforcement purposes by a law enforcement agency.

Source: Ordinance No. 307, Third Series, Effective Date: 3-15-2002

E. Determination of Status

1. Whether an animal is “dangerous” or “potentially dangerous” as that term is used herein shall be determined by the Chief of Police or his or her designee in consultation with the City Attorney. The Owner and persons that have suffered injury or damage due to the animal shall be given written notice of the determination.
(Ord. 1334, 04-10-2006)

F. Notice of Dangerous Animal Determination

1. The Owner of the animal and persons that have suffered injury or damage from the animal shall be given written notice of the determination of the animal as dangerous. The notice shall provide:

- a. a description of the animal; the authority for and purpose of the dangerous animal declaration, and seizure, if applicable; the time, place, and circumstances under which the animal was declared dangerous; and the telephone number and contact person where the animal is kept;
- b. that the Owner of the animal may request a hearing concerning the dangerous animal declaration; failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing;
- c. that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of paragraphs D (1) and (3) of this subdivision, and until such time as the hearing officer issues an opinion;
- d. that if the hearing officer affirms the dangerous animal declaration, the Owner will have 14 days from the date of the determination to comply with all other requirements of this subdivision;
- e. that all actual costs of the care, keeping, and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
- f. a form for notifying the City of an appeal and requesting a hearing under this subdivision;. (Ord. 1391, 3-29-2010)

G. Appeal of Dangerous or Potentially Dangerous Animal Determination

1. The Owner of an animal determined to be dangerous or potentially dangerous may appeal the dangerous animal determination.

2. The written notice of appeal must be received by the City within 14 days from the date of the dangerous or potentially dangerous animal determination.

3. The hearing on the appeal of a dangerous or potentially dangerous animal determination shall be before a hearing officer. The hearing officer shall be the Animal Humane Society Director of Humane Investigations, or their designee.

4. The hearing shall take place within 14 days of the receipt of the notice of appeal.

5. In the event that the dangerous or potentially dangerous animal determination is upheld by the hearing officer, actual expenses of the hearing, up to a maximum of \$1,000, will be the responsibility of the animal's owner.

6. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the City. (Ord. 1391, 3-29-2010)

(Ord. 1420, 11-14-2011)

501.17: ATTACK BY AN ANIMAL:

It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present. (Ord. 1078, 6-25-1990)

501.18: SUMMARY DESTRUCTION OF CERTAIN ANIMALS:

Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal. (Ord. 1078, 6-25-1990)

501.19: KENNELS:

Except as provided in Section 501.06, no person shall maintain a kennel (more than two dogs over three months of age), as defined in Chapter 1002 of this Code, without first securing a license pursuant to Chapter 301 of this Code. This fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in such a kennel. Kennel restriction shall not apply to veterinary hospitals licensed under Chapter 310 of this Code. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

501.20: SPECIAL MULTIPLE DOG LICENSES: Repealed (Ord. 1355, 11-19-2007)

501.21: RIDING HORSES:

- A. Definition: As used in this Section, "riding horse" means any horse which is used primarily for riding. (Ord. 349, 12-1-1961)
- B. License Required: No person shall keep any riding horse within the City for over 30 days unless a license for such animal has been first secured.
- C. Condition of License: A license shall be granted to any applicant for a riding horse on the following conditions:
 - 1. Said riding horse shall be used in such a manner so as not to annoy or disturb residents of the City.
 - 2. Said riding horse will be kept in an inconspicuous place and not allowed to run at large.
- D. Application for License: The application for a license shall be made to the City Manager and granted by the City Council for the license of each particular horse. The license shall be suspended or revoked by the City Council upon any breach of the conditions of license set forth in this Section. (Ord. 349, 12-1-1961)
- E. Minimum Area and Fencing: No license shall be issued for any riding horse unless the horse shall be kept in an adequately fenced pasture of a minimum size of three acres, but no more than three horses can be kept in such three acre pasture at any one time. For each horse in excess of three, an additional one acre of fenced pasture shall be provided. (Ord. 734, 9-9-1974)
- F. License Fee: The license fee for each riding horse is as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)
- G. Term of License: The license granted by the City Council under this Section shall be for the life of each horse and need not be renewed annually.
- H. Issuing and Affixing Tags: Upon the granting of a license by the City Council, the City Manager shall issue to the licensee a tag indicating that a license has been issued and said tag shall be affixed to the riding horse so licensed. (Ord. 349, 12-1-1961)

501.22: CLEANUP:

The owner or attendant of any animal must carry clean-up utensils when taking the animal off personal property and must clean up all feces of the animal off personal property and dispose of such feces in a sanitary manner. (Ord. 1078, 6-25-1990)

501.23: WILD ANIMALS:

- A. Purpose: It shall be unlawful to keep any wild animal within the City limits, except as permitted pursuant to the provisions of this Section.
- B. Definition: As used in this Section, the following term shall have the meaning ascribed to it in this subsection:
- WILD ANIMAL: Any animal, mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is inherently dangerous to human beings. Examples of wild animals, without limitation, are:
1. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domesticated house cats.
 2. Any member of the family Canidae, such as wolves, hybrid wolves, coyotes, dingoes, and jackals, except domesticated dogs.
 3. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.
 4. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
 5. Any skunk, raccoon, fox or protected animal.
 6. Any bear, ape, monkey in excess of five pounds, or badger.
 7. Any other animal, bird or reptile which is commonly considered wild and not domesticated.
- C. Exceptions:
1. Any person desiring to keep an animal prohibited by this Section may apply for a permit from the City. Such permit may be issued for a period not to exceed 30 days and shall specify conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless such prohibited animal is being kept by a person keeping such animal for a public zoo as a volunteer or docent. A public zoo or other institution engaged in a permanent display of animals and any bona fide research institution or veterinary hospital may be issued a permanent permit provided applicable zoning requirements are met.
 2. Nonpoisonous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other similar small animals capable of being kept in cages. Rats, if purchased from a bona fide pet store are an exception to this Section.
 3. Medically prescribed companion animals.
 4. Wildlife rehabilitators may only possess animals with a Minnesota Department of Natural Resources permit. Such animals will be kept in a manner as to not create unsanitary conditions or unreasonable noise.
 5. Birds and birds of prey if kept pursuant to a valid U.S. Fish and Wildlife Services permit.
- D. Impounding of Wild Animals: Any wild animal kept in violation of this Section may be impounded by the City. The animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this Section. Any person reclaiming any such animal shall pay the costs of impounding and boarding at the time of its release.

E. Existing Wild Animals: Anyone keeping or maintaining any wild animal at the time this Section is adopted has thirty (30) days in which to comply with the provisions of this Section. (Ord. 1141, 6-13-1994)

501.24: OWNER OBLIGATION FOR PROPER CARE:

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal or cause or permit any animal fight. No owner shall abandon any animal. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

501.25: ENFORCEMENT:

Any community service officer, reserve officer or police officer may enter upon private land where there is reasonable cause to believe this Chapter is being violated. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

SECTION 3. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed by the City Council of the City of Roseville this 21st day of October 2013.

Ordinance amending Title Five Chapter 501 Animal Control updating rabies vaccination language as it pertains to two-year animal license requirements, as well as language pertaining to authorized enforcers and proper enclosures.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick J. Trudgeon, Interim City Manager

City of Roseville
ORDINANCE NO. _____

AN ORDINANCE AMENDING SELECTED TEXT OF TITLE FIVE, CHAPTER 501
ANIMAL CONTROL OF THE ROSEVILLE CITY CODE

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on October 21, 2013:

The Roseville City Code, Title Five, Chapter 501 Animal Control, has been amended to include revisions of previous rabies vaccination guidelines from a two-year vaccination requirement to a rabies vaccination protocol established by a licensed veterinary doctor. Additional amendments include the authorization of police reserve officers as city designated enforcers of Animal Control regulations and a language revision of Section 501.16 regarding proper enclosures for dangerous and/or potentially dangerous animals.

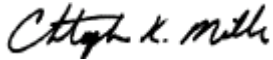
A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, Interim City Manager

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/13
Item No.: 9.b

Department Approval



City Manager Approval



Item Description: Consider Ordinance Repealing City Code Chapter 305 - Regulating the Sale of Christmas Trees

BACKGROUND

City Code Chapter 305 which regulates the sale of Christmas trees was established in 1952 with the passage of Ordinance #143 for the purposes of inspecting and examining the location where the sale took place. Presumably the regulation was deemed necessary due to the increased traffic and other impacts that were not normally present throughout the year.

The sale of seasonal products such as Christmas trees is more broadly regulated under City Code Chapter 1011.12G subd. 2e, which deals with property performance standards. City Staff has concluded that the sale of Christmas trees does not warrant a separate section of City Code especially considering that is sufficiently addressed under Chapter 1011. As a result, City Staff recommends that the Council remove Chapter 305.

POLICY OBJECTIVE

Promoting a clear and concise City Code is consistent with governmental best practices and ensures that the City's regulatory functions are properly addressed.

FINANCIAL IMPACTS

Not applicable.

STAFF RECOMMENDATION

Staff recommends that the City Council repeal City Code Chapter 305.

REQUESTED COUNCIL ACTION

Approve the attached Ordinance repealing City Code Chapter 305, which shall go into effect upon publication.

Prepared by: Chris Miller, Finance Director
Attachments: A: Ordinance repealing City Code Chapter 305
B: City Code Chapter 305
C: City Code Chapter 1011.12G subd. 2e

**CITY OF ROSEVILLE
ORDINANCE NO. ____**

**AN ORDINANCE REPEALIN CITY CODE CHAPTER 305 -
SALE OF CHRISTMAS TREES**

THE CITY OF ROSEVILLE HEREBY ORDAINS:

SECTION 1. Purpose: The City of Roseville established City Code Chapter 305 in 1952 to regulate the sale of Christmas trees for the purposes of inspecting and examining the location where the sale took place. The sale of seasonal products including Christmas trees is more broadly regulated under City Code Chapter 1011.

As a result, City Code Chapter 305 is no longer necessary and is hereby repealed.

SECTION 2. Effective Date: This ordinance shall be effective upon adoption and publication.

Passed this 21st day of October, 2013.

(Seal)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST: _____
Patrick Trudgeon, Interim City Manager

CHAPTER 305 CHRISTMAS TREE SALES

SECTION:

- 305.01: License Required
- 305.02: Application
- 305.03: Proration of License
- 305.04: Conditions of License

305.01: LICENSE REQUIRED:

No person shall, within the City, engage in the business of trading, bartering or selling any cut evergreen, fir, spruce or other tree of like kind for what is generally known and described as a Christmas tree without first having obtained a license. (Ord. 143, 10-7-52)

305.02: APPLICATION:

Every applicant for such license shall file an application with the City Manager stating applicant's name, address and address of the place of intended sale of such trees. (Ord. 143, 10-7-52)

305.03: PRORATION OF LICENSE:

No license shall be prorated for a period of less than one year and any such license must be applied for between January 1 and December 1 of such year. (Ord. 383, 12-10-62)

305.04: CONDITIONS OF LICENSE:

- A. The application for license shall include a site plan of the premises proposed for the sales lot, including temporary shelter structures, if any.
- B. The sales lot shall be maintained in a clean and orderly condition. Cleanup, including removal of all unsold trees, must be completed by the January 5 following issuance of the license. (1995 Code)

CHAPTER 1011

PROPERTY PERFORMANCE STANDARDS

SECTION:

- 1011.01: Statement of Purpose and Applicability
- 1011.02: Environmental Regulations in All Districts
- 1011.03: Landscaping and Screening in All Districts
- 1011.04: Tree Preservation and Restoration in All Districts
- 1011.05: Lot Controls in All Districts
- 1011.06: Visibility Triangles in All Districts
- 1011.07: Height Exemptions in All Districts
- 1011.08: Fences in All Districts
- 1011.09: Essential Services in All Districts
- 1011.10: Solar Energy Systems in All Districts
- 1011.11: Additional Standards in All Non-LDR Districts
- 1011.12: Additional Standards for Specific Uses in All Districts

1011.01: STATEMENT OF PURPOSE AND APPLICABILITY

- A. This Chapter establishes requirements pertaining to:
 - 1. Environmental regulations in all districts
 - 2. Landscaping and screening in all districts
 - 3. Tree preservation and restoration in all districts
 - 4. Lot controls in all districts
 - 5. Visibility triangles in all districts
 - 6. Height exemptions in all districts
 - 7. Fences in all districts
 - 8. Essential services in all districts
 - 9. Solar energy systems in all districts
 - 10. Additional standards in all non-LDR districts
 - 11. Additional standards for specific uses in all districts
- B. The purpose of this Chapter is to establish regulations of general applicability to property throughout the City, to establish regulations for certain specific uses that are allowed in multiple districts, to promote the orderly development and use of land, minimize conflicts between uses of land, and protect the public health, safety, and welfare. The regulations set forth in this Chapter shall apply to all structures and uses of land, except as otherwise provided in this Title.

{excerpt of chapter below}

1011.12 Additional Standards for Specific Uses in All Districts:

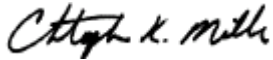
G. Accessory Uses and Structures:

2. Temporary Uses and Structures: The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this Title:
 - e. Seasonal Outdoor Sales: A seasonal outdoor sales permit shall be required from the Community Development Department to allow outdoor sales of merchandise such as produce, plants, garden supplies, and/or a farmer's market. The Community Development Department shall review a site plan and specifics of the proposed seasonal outdoor sales area/use and may issue the permit, subject to (but not limited to) the following requirements:
 - i. The outdoor sales area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
 - ii. The outdoor sales area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
 - iii. The outdoor sales area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
 - iv. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
 - v. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.
 - vi. Signage shall be regulated by Chapter 1010 of this Title.

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/13
Item No.: 9.c

Department Approval



City Manager Approval



Item Description: Consider Ordinance Amending City Code Chapter 306: Cigarette and Tobacco Products

BACKGROUND

At the October 14, 2013 City Council meeting, the Council held a brief discussion on whether to amend City Code Chapter 306 to incorporate evolving forms of electronic cigarettes or 'e-cigarettes'.

As noted in the previous Staff Report, the City Code was amended in February of 2012 to include e-cigarettes in the City's regulatory function. At the time, the City relied on the fact that e-cigarettes were an alternative nicotine-delivery device. The presence of nicotine made it subject to the same laws and regulations that governed regular cigarettes and other tobacco products.

However, in some cases newer e-cigarettes feature non-nicotine substances and flavorings which may not necessarily fall within the current Code definitions. This is problematic from a regulatory standpoint because a casual observer would be unable to detect which e-cigarettes contain nicotine and which do not.

At the October 14th meeting, the Council asked Staff to provide information regarding the e-cigarette regulatory efforts of other cities and to develop a proposed ordinance that would incorporate all e-cigarette types into City Code. The Council was also interested in further discussion on whether the use of e-cigarettes should be restricted in public places.

Regulatory Efforts by other Cities

A number of governmental agencies throughout the State have already weighed in on whether to regulate the sale or use of e-cigarettes. The following is a sample of those efforts.

- ❖ The City of Duluth banned their indoor use in all public places.
- ❖ The City of North Mankato banned any indoor sampling for a period of 1 year to allow for further study.
- ❖ The City of Mankato banned their indoor use (sampling) in tobacco stores, but chose to delay any action that would ban them in all public places.
- ❖ Hennepin County banned their use on all County property
- ❖ Metro Transit banned their use on all public transportation
- ❖ The cities of St. Paul, Minneapolis, Shoreview, Little Canada, and Falcon Heights are actively reviewing the issue but have not taken any formal position on regulating e-cigarettes beyond current State Law.

34 It should be noted that e-cigarettes are NOT regulated under the State’s Minnesota Clean Indoor Act of
35 1975 or the Freedom to Breathe Act of 2007 – both of which, along with other statutory provisions,
36 provide explicit authority for local governments to impose their own regulations on tobacco-related
37 products. Nor are they regulated by the U.S. Food and Drug Administration like tobacco is, although the
38 FDA itself is suggesting that it is moving in that direction.

39
40 In the event that the City Council desires to regulate all e-cigarettes and similar devices, Staff has
41 developed proposed language that would modify City Code Chapter 306. It is included in the draft
42 ordinance shown below in *Attachment A*.

43 **POLICY OBJECTIVE**

44 The Council is asked to consider the attached ordinance that includes a revised definition of tobacco
45 products to include all e-cigarettes and similar devices.

46 **FINANCIAL IMPACTS**

47 Not applicable.

48 **STAFF RECOMMENDATION**

49 Not applicable.

50 **REQUESTED COUNCIL ACTION**

51 Consider an ordinance amending City Code Chapter 306 to expand the definition of tobacco products to
52 include all e-cigarettes and similar devices.

53
54 Prepared by: Chris Miller, Finance Director
Attachments: A: Proposed Ordinance to amend City Code Chapter 306
B: Current City Code Chapter 306

55

City of Roseville
ORDINANCE No. _____

**AN ORDINANCE AMENDING TITLE 3, SECTION 306.01; RELATING TO
TOBACCO PRODUCTS**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 3, Section 306.01 of the Roseville City Code is amended to read as follows:

TOBACCO RELATED PRODUCT: Cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco, snuff, snuff flower, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. Also, any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. And, shall include electronic cigarettes or other devices that can be used to deliver nicotine or any other substance or flavorings to the person inhaling from the device. This Chapter does not apply to devices that have been approved or otherwise certified for sale by the U.S. Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this 14th day of October, 2013.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, Interim City Manager

CHAPTER 306

CIGARETTE AND TOBACCO PRODUCTS

SECTION:

- 306.01: Definitions
- 306.02: License Required
- 306.03: Application
- 306.04: Prohibited Sales
- 306.05: Indoor Smoking Prohibited
- 306.06: Identification
- 306.07: Violations
- 306.08: Appeal

306.01: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

INDIVIDUALLY PACKAGED: Any package containing only one individually wrapped item. Included are single packs of cigarettes or single cans or containers of tobacco related products. Not included are cartons containing two or more individually packaged packs of cigarettes or similar packages containing multiple cans or containers of tobacco related products.

SELF SERVICE MERCHANDISING: An open display of tobacco products which the public has access to without the intervention of an employee.

TOBACCO RELATED PRODUCT: Cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco, snuff, snuff flower, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scrips, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. Also, and products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. (Ord. 1424 02-13-12)

306.02: LICENSE REQUIRED:

No person shall keep for retail sale or sell at retail any tobacco product as defined in this Chapter without a license. (Ord. 1133, 1-24-94)

306.03: APPLICATION:

The application shall state the full name and address of the applicant, the location of the building and the part to be used by the applicant under the license, the kind of business conducted at such location and such other information as shall be required by the application form. (Ord. 1133, 1-

24-94)

306.04: PROHIBITED SALES:

No person shall sell or give away any tobacco related product to any person under the age of 18 years, no person shall sell or dispense any tobacco product through the use of a vending machine, and it shall be unlawful for any person to offer for sale any individually packaged tobacco related product by means of self-service merchandizing. All sales must be made in such a manner that requires the vendee to specifically ask for the tobacco product and all other sales are unlawful. (Ord. 1133, 1-24-94)

306.05: INDOOR SMOKING PROHIBITED:

It shall be unlawful to light, inhale, exhale, or any combination thereof, of tobacco, tobacco products, or tobacco related devices by any person in any retail establishment. (Ord. 1424, 02-13-12)

306.06: IDENTIFICATION:

Any person who sells a tobacco product must require identification if such person has any reason to believe that the purchaser is less than 18 years of age. (Ord. 1133, 1-24-94)

306.07: VIOLATIONS:

- A. Misdemeanors: Any person who violates this Chapter shall be guilty of a misdemeanor.
- B. Penalty for Noncompliance: In addition to any criminal penalties which may be imposed by a court of law, the City Manager may suspend or revoke a license on a finding that the license holder or its employee has failed to comply with this Chapter.
- C. Minimum Penalty: In no event shall a penalty be less than:
 - 1. For a first violation, the mandatory minimum penalty shall be the administrative penalty imposed pursuant to City Code Section 102.01C.
 - 2. For a second violation in 12 months the mandatory minimum penalty shall be suspension for two days.
 - 3. For a third violation in 12 months the mandatory minimum penalty shall be suspension for five days.
- D. Hearing and Notice: Revocation or suspension of a license shall be preceded by a hearing before the City Manager. A hearing notice shall be given at least ten days prior to the hearing, including notice of the time and place of the hearing and shall state the nature of the charges against the licensee. (Ord. 1133, 1-24-94)

306.08: APPEAL:

The aggrieved party may appeal the decision of the City Manager within ten days of receiving notice of the City's action. The filing of an appeal stays the action of the City Manager in suspending or revoking a license until the City Council makes a final decision. The City Council may modify the suspension or revocation. (Ord. 1133, 1-24-94)

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/13
Item No.: 10.a

Department Approval



City Manager Approval



Item Description: City Council Quarterly Joint Meeting with Roseville Housing and
Redevelopment Authority

BACKGROUND

The City Council and the Roseville Housing and Redevelopment Authority (RHRA) conduct quarterly meetings to share the RHRA's undertakings from its approved strategic plan.

Dale Street Fire Station

The Dale Street Fire Station received three (3) proposals for redevelopment for the three-acre site that is located on Dale Street between Cope and Lovell Avenues. The RHRA received presentations from all three (3) developers at its October 15th meeting. Attached you will find site plans and elevations of each proposal along with a spreadsheet that compares the information provided in the proposals and presentations.

The RHRA Board would like have a conversation with the City Council about the overall project and the receive input on the proposals submitted and identify any additional information that is needed to help make a decision.

At their November 19th meeting, the RHRA is tentatively planning on recommending their preferred developer to the City Council.

The full proposals can be found at www.cityofroseville.com/daletfirestation

Lexington Avenue

The City, in the late 1990's – early 2000's attempted to acquire property across the street from City Hall on Lexington Avenue when it would come up for sale. The City currently owns 2668 Lexington. 2654 Lexington (the blue house) is for-sale. The land is guided for High Density residential.

The RHRA would like to discuss if the City/HRA should continue buying properties when they come up for sale or no longer pursue the acquiring of properties on Lexington Across the street from City Hall.

28 **Staff Recommendation**

29 Staff recommends that the RHRA and City Council give direction regarding what additional
30 information is needed from Developers on the Dale Street Fire Station as well if staff should
31 further pursue acquiring property on Lexington Avenue across the street from City Hall.

Prepared by: Jeanne Kelsey, Acting RHRA Executive Director (651) 792-7086

Attachments: A: Proposals site plans and elevations
 B: Comparison Matrix of the Proposals
 C: Lexington site plan



CERMAK RHOADES ARCHITECTS



AERIAL LOOKING NORTHWEST



AERIAL LOOKING SOUTHWEST



CERMAK RHOADES ARCHITECTS



AERIAL LOOKING NORTHEAST



HOUSING TYPE KEY PLAN



CERMAK RHOADES ARCHITECTS



SENIOR HOUSING



SENIOR HOUSING



CERMAK RHOADES ARCHITECTS



TOWNHOMES



TOWNHOMES



CERMAK RHOADES ARCHITECTS



SINGLE FAMILY FRONT YARDS



SINGLE FAMILY FRONT YARDS



CERMAK RHOADES ARCHITECTS



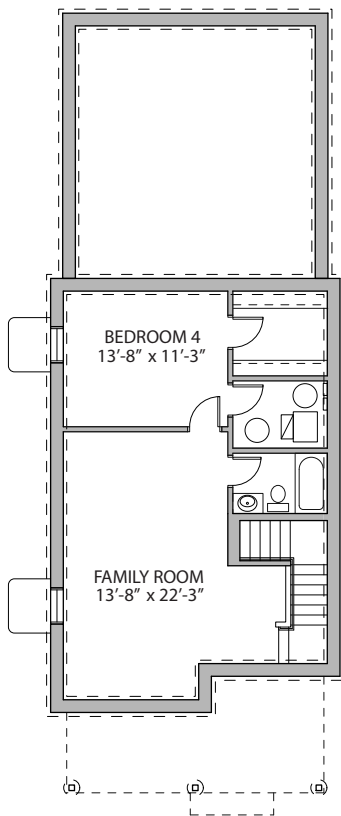
SENIOR HOUSING BACK YARDS



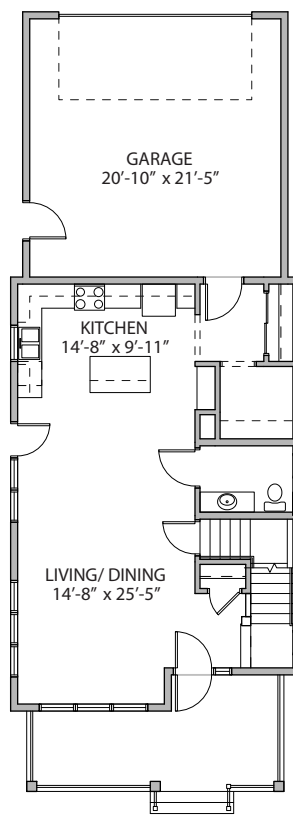
SINGLE FAMILY HOUSE SIDE YARD AND PATIO



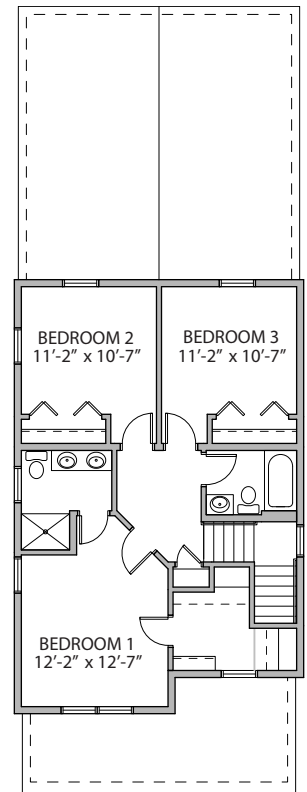
CERMAK RHOADES ARCHITECTS



BASEMENT



FIRST FLOOR



SECOND FLOOR

SINGLE FAMILY HOME 1

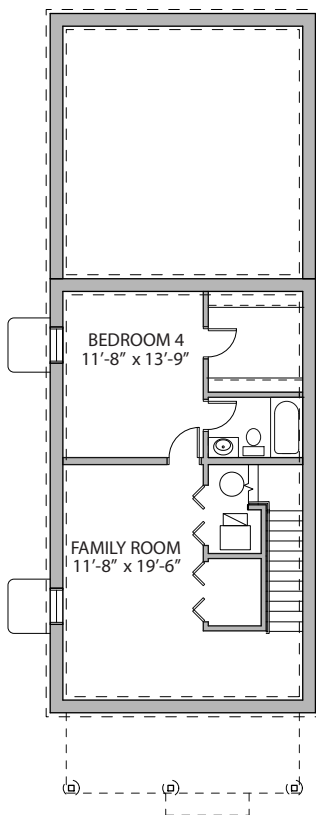
Greater Metropolitan Housing Corporation

Gross Square Footage: 2,980

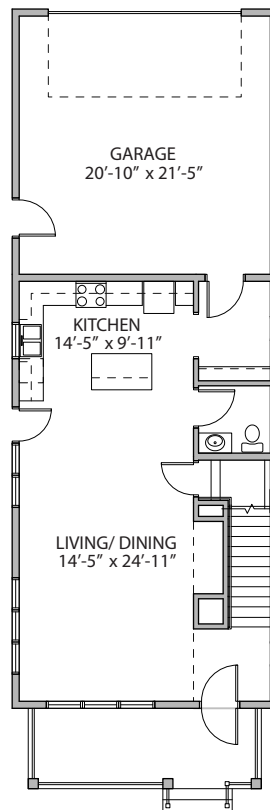
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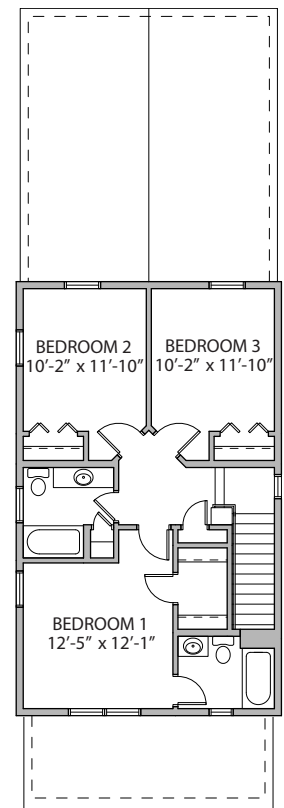
CERMAK RHOADES ARCHITECTS



BASEMENT



FIRST FLOOR



SECOND FLOOR

SINGLE FAMILY HOME 2

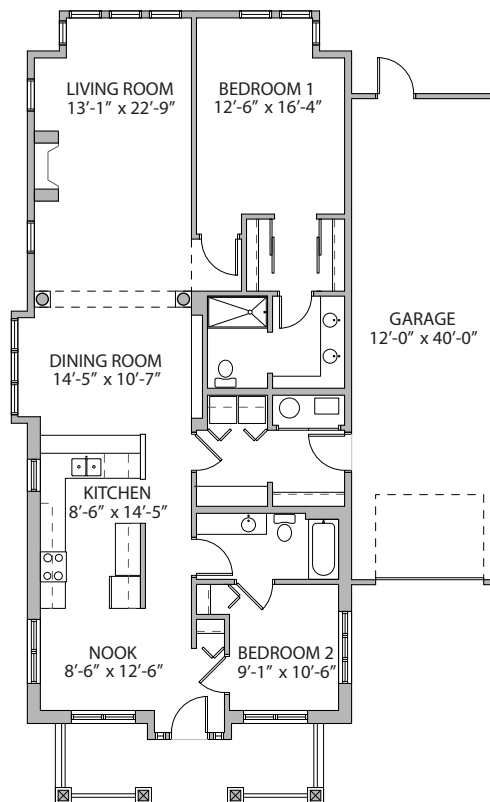
Greater Metropolitan Housing Corporation

Gross Square Footage: 2,860

Scale: 1/16" = 1'-0"



CERMAK RHOADES ARCHITECTS



SENIOR HOUSING 1

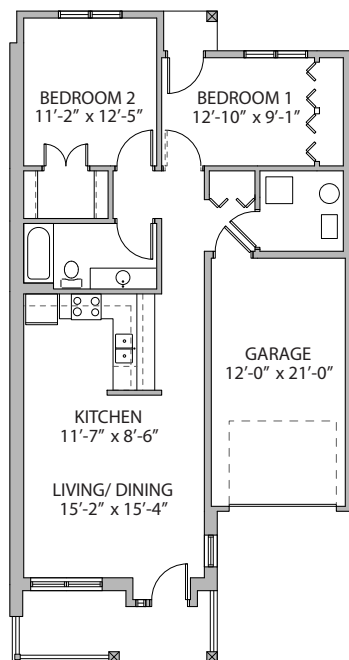
Greater Metropolitan Housing Corporation

Gross Square Footage: 2,098

Scale: 1/16" = 1'-0"



CERMAK RHOADES ARCHITECTS



SENIOR HOUSING 2

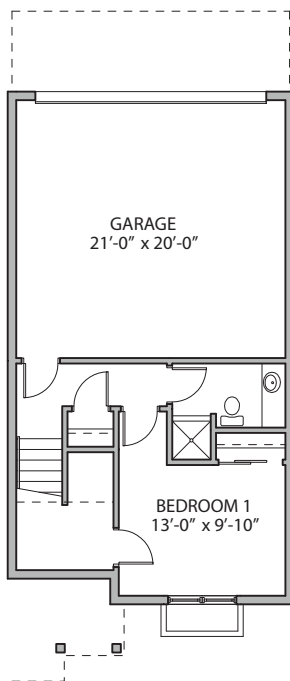
Greater Metropolitan Housing Corporation

Gross Square Footage: 1,245

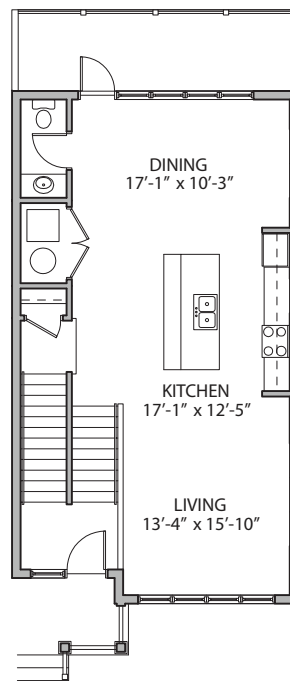
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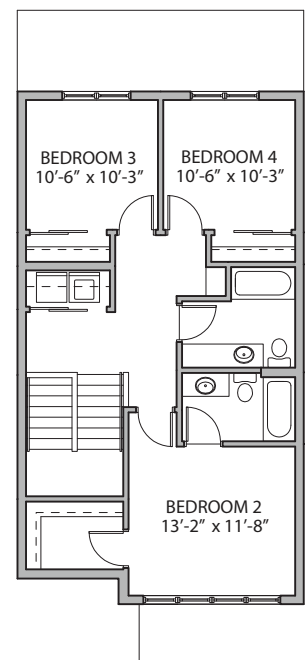
CERMAK RHOADES ARCHITECTS



BASEMENT



FIRST FLOOR



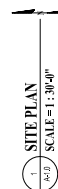
SECOND FLOOR

TOWNHOME

Greater Metropolitan Housing Corporation

Gross Square Footage: 2,617

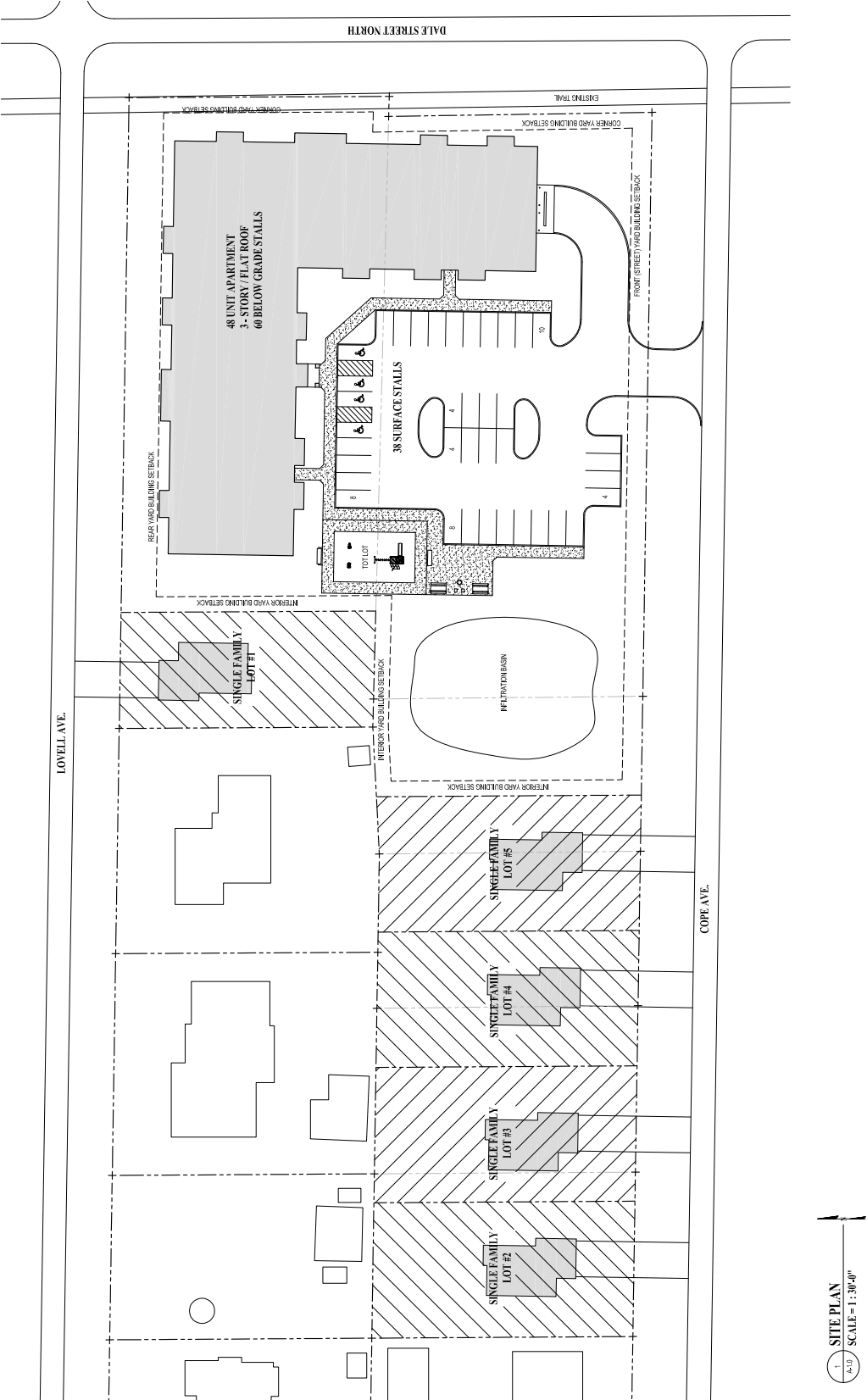
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LANDSCAPING PLAN



CONCEPT SITE PLAN: OVERALL SITE PLAN

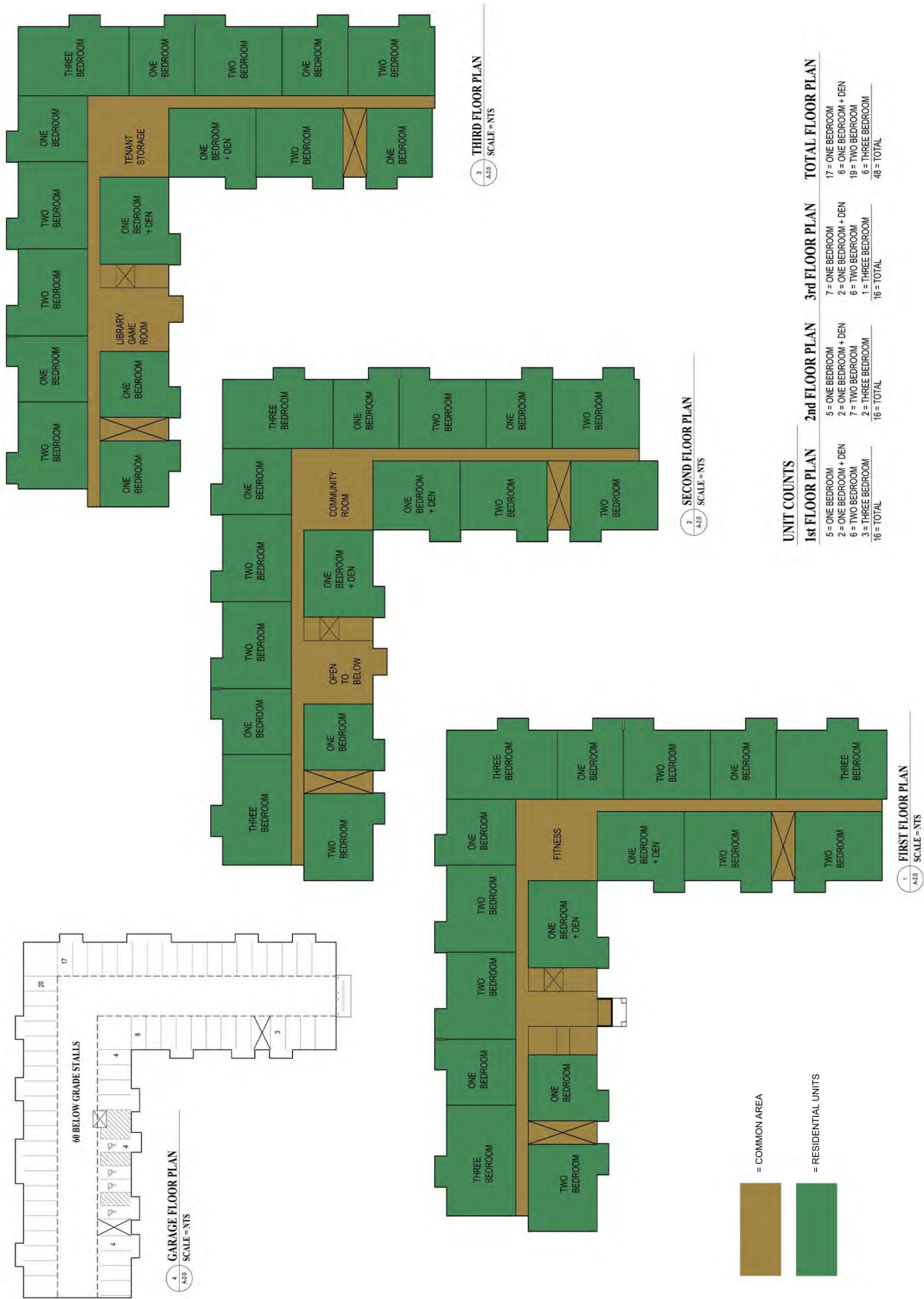


CONCEPT BUILDING PLAN: Multifamily



1 SOUTH ELEVATION
ASL
SCALE: 1/8" = 1'-0"

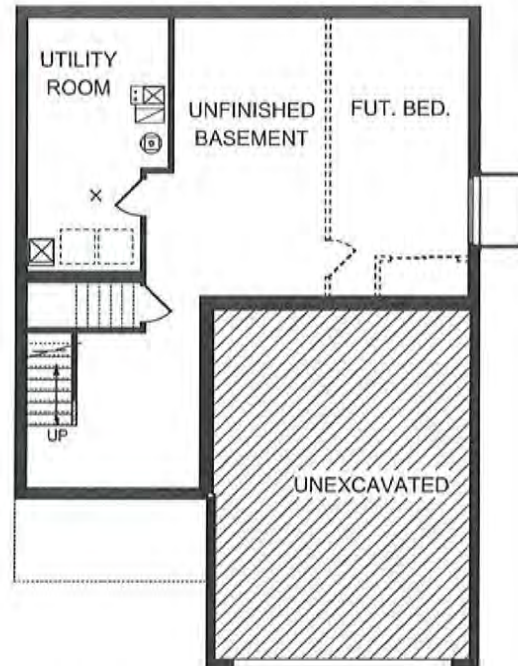
CONCEPT BUILDING PLAN: Multifamily



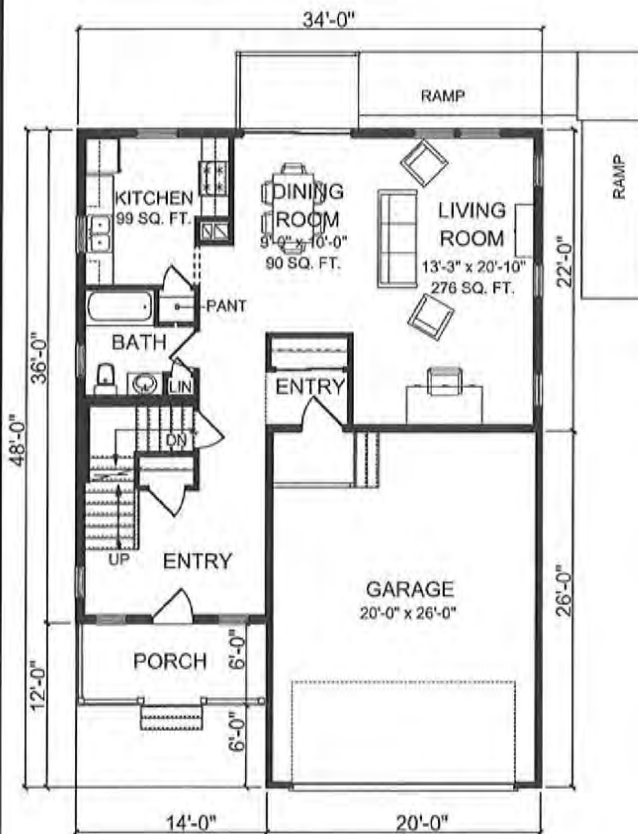
CONCEPT BUILDING PLAN: Single Family Homes



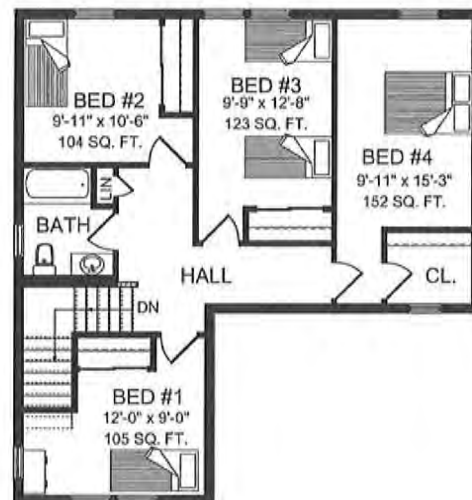
IMAGE MAY NOT REFLECT ACTUAL
CONSTRUCTED HOUSE



BASEMENT PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



3001 4TH ST. SE
MINNEAPOLIS, MN 55414-3301

OFFICE: 612-331-4090
FAX: 612-331-1540

SINGLE FAMILY DWELLING

MODEL: 17TS4-2

BASEMENT UNFINISHED SQ. F.T. = 940
FIRST FLOOR FINISHED SQ. F.T. = 940
SECOND FLOOR FINISHED SQ. F.T. = 894
TOTAL FINISHED SQ. F.T. = 1834
TOTAL SQ. F.T. = 2774
(INCLUDES BASEMENT)

Dale Street Redevelopment| INTERGENERATIONAL LIVING

- SITE PLAN KEY
- 1. MAIN ENTRY
 - 2. COMMON SPACE
 - 3. VERTICAL GREEN HOUSE
 - 4. WALK-UPS
 - 5. PARKING ENTRY
 - 6. 2 LEVEL TOWN HOME
 - 7. COMMON COURTYARD
 - 8. ACTIVITY ZONE
 - 9. POCKET PARK



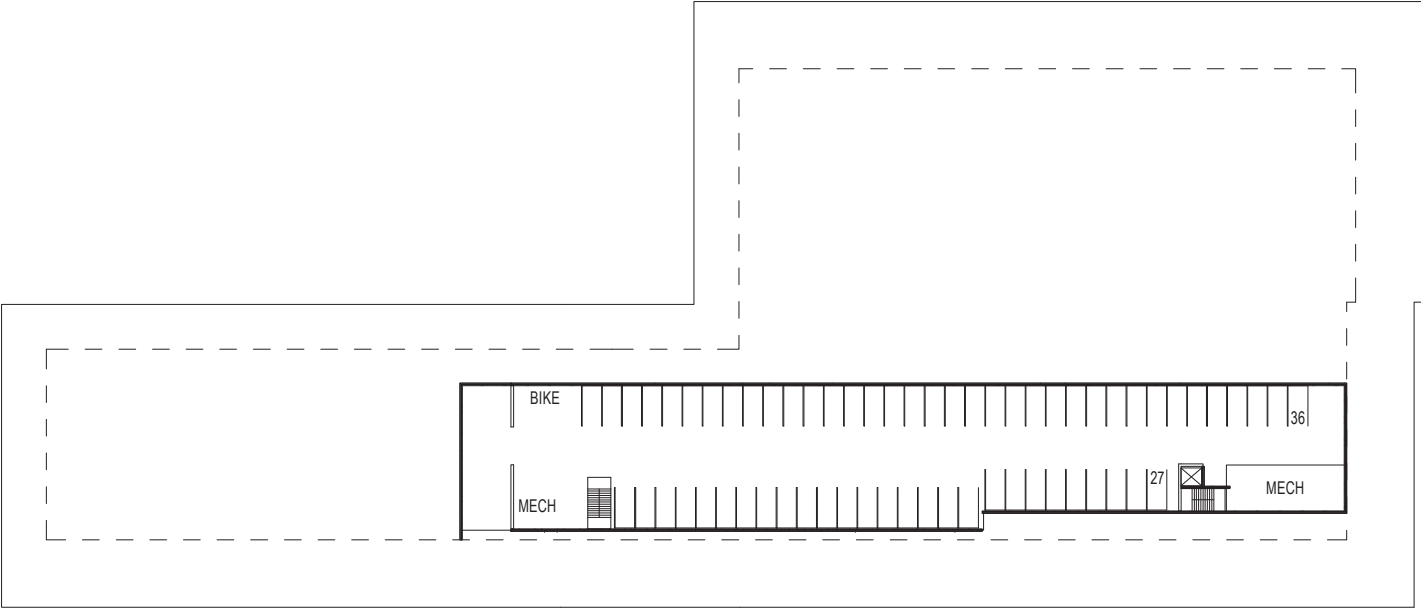
SITE PLAN

Dale Street Redevelopment| INTERGENERATIONAL LIVING

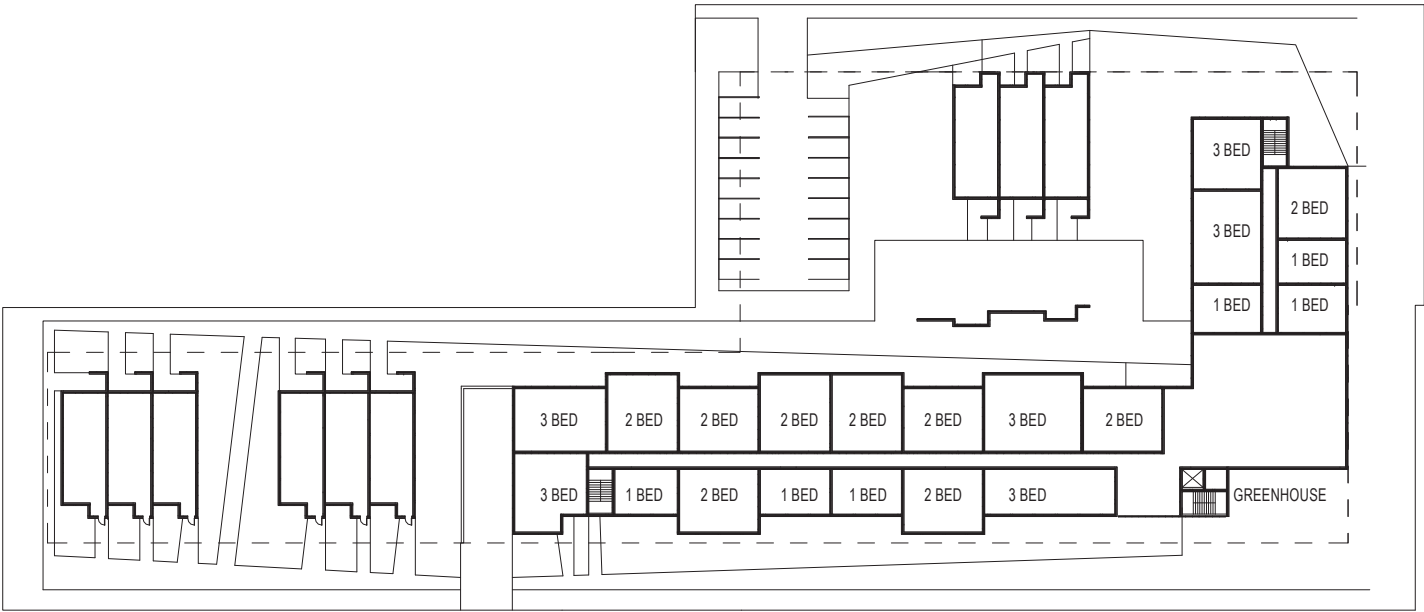


PERSPECTIVE FROM COPE AVE

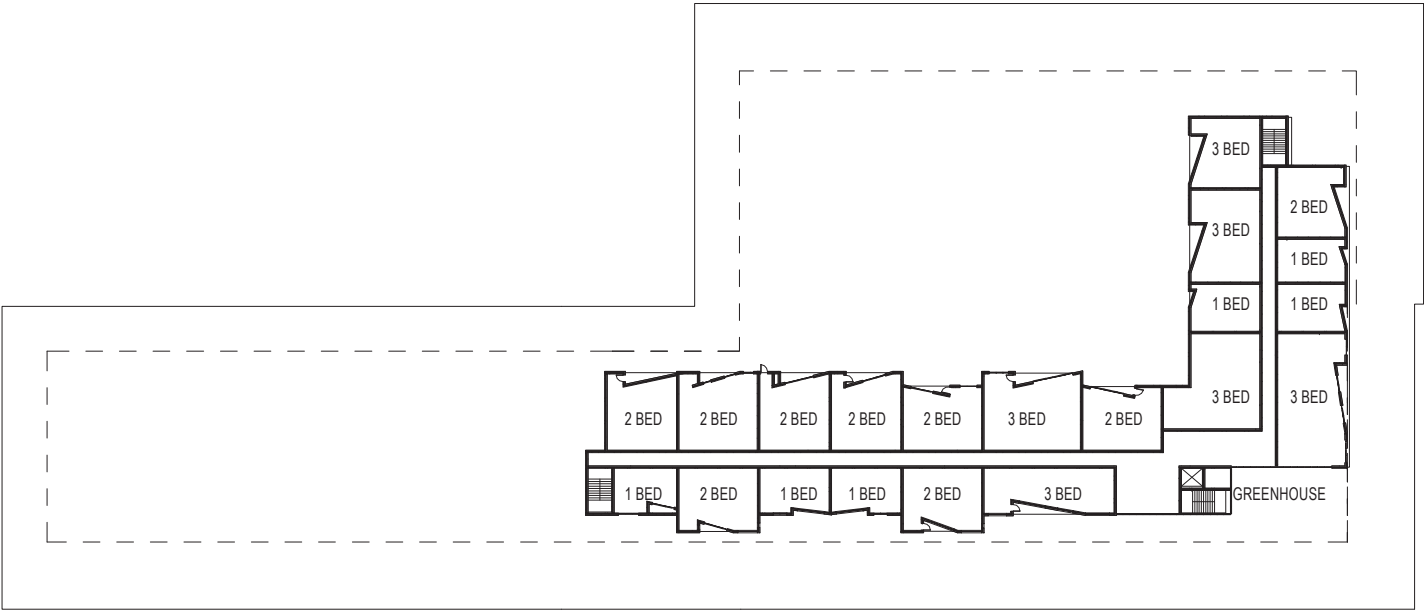
Dale Street Redevelopment| INTERGENERATIONAL LIVING



LEVEL P1

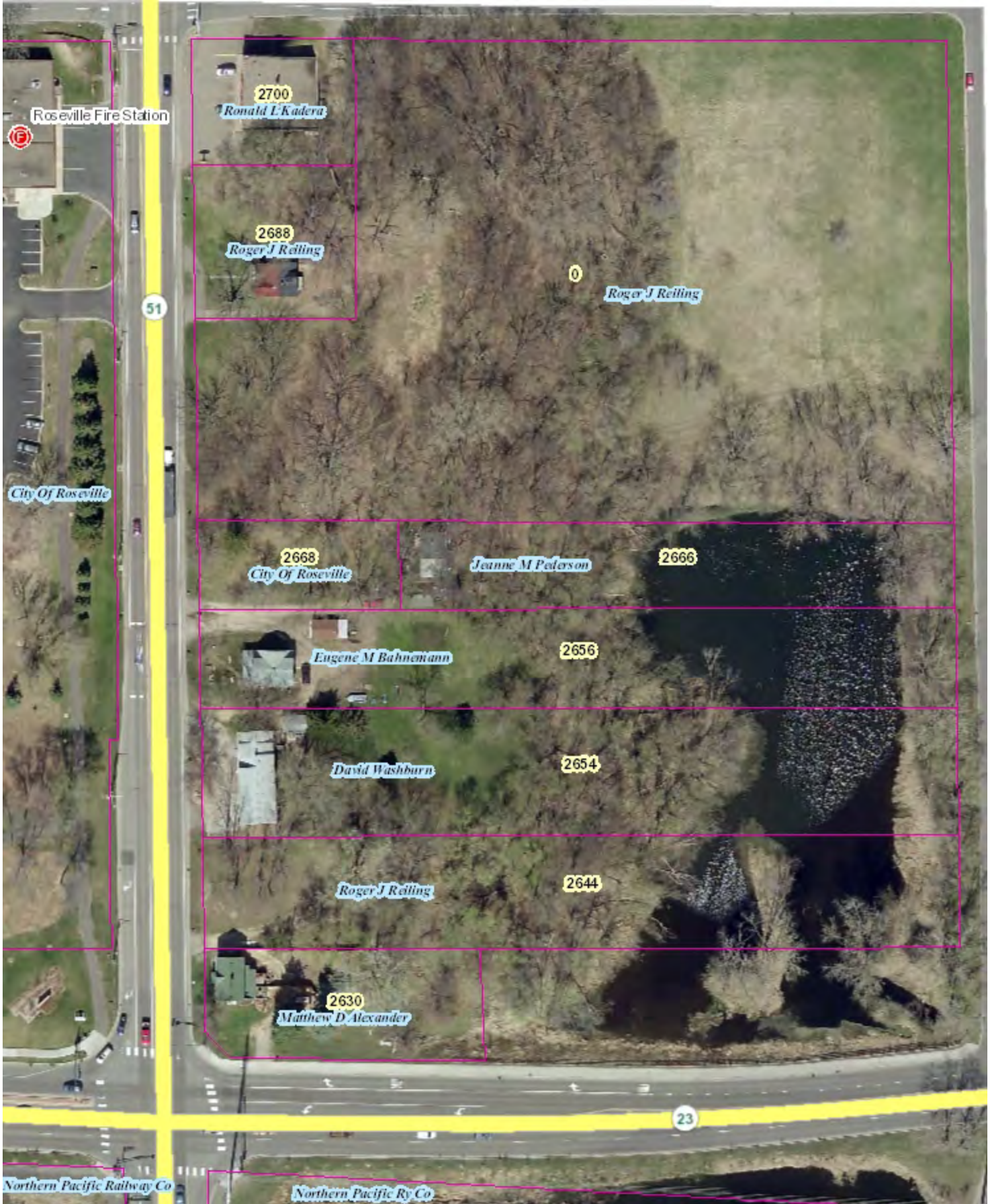


LEVEL 1



LEVEL 2 + 3 TYPICAL

Dale Street Redevelopment - Summary of Proposals October 16, 2013			
Criteria	GHMC	Sand Company	CommonBond
Number of Units	29 Total Units Rental: 0 Owner Occupied: 29	53 Total Units Rental: 48 Owner Occupied: 5	73 Total Units Rental: 73 Owner Occupied: 0
Types of Units	29 Total Units Market Rate: 29 Work Force: 0	53 Total Units Market Rate: 44 Work Force: 9	73 Total Units Market Rate: 5 Work Force: 68
Calculated Cost for Demolition of Station	\$14,000	\$500,000	None at this time
Calculated SAC and Park Fees	\$0	Included in demo costs	Included in cost of construction
Tree Preservation Consideration	Needs to survey site to incorporate	Took Into consideration	Took Into consideration
Purchase Price for Lot	\$1	\$1	\$100,000
Additional Financing Assistance	TIF/Subsidy \$431,432	TIF \$500,000/Waiver of fees	None at this time
Developer Investment	\$0	\$2,000,000	\$0
TIF Options	From another TIF pool	From another TIF pool	TIF generated from development
Green Amenities/Certifications	Green Path	Will follow MN Green Communities	MN Green Communities
Developer Experience	Over 2000 single family homes built or rehab	3000 units in 26 developments, 7 don't own anymore	5449 units still owned and operated
Management/Sales Company	Would look for right Realtor for sales	Own Management	CommonBond
Long-term Ownership of Development	No/Homeowners Association	Possible	Long term
Lease/Sale Costs Incentives	3% Paid buyer closing costs	None at this time	None at this time
Total Development Costs	\$7,915,000.00	\$8,243,001.00	\$14,798,246
Developer Fee	\$618,032	\$0	\$1,600,000
Developer Fee %	8%	\$0	12%
Estimated City Taxes Generated	\$26,786	\$33,214.00	\$36,833.00
Estimated City Subsidy	\$1,375,372	\$1,629,440.00	\$843,941.00
Timing of Development	Spring 2014 - Summer 2015	May 2014 - April 2015	Spring 2014 - Spring 2016



REQUEST FOR COUNCIL ACTION

Date: 10/21/13

Item No.: 11.a

Department Approval

City Manager Approval



Item Description: Review of drafted Multifamily Rental Licenses 908

BACKGROUND

The RHRA created program guidelines that were reviewed by the City Council at the March 11, 2013, joint meeting. The guidelines were updated and then reviewed by the RHRA Board on April 16, 2013. The RHRA then directed staff to draft an ordinance.

In addition to the public meetings noted above, the RHRA Board received testimony from the public regarding the guidelines on November 20, 2012, February 19, 2013, and August 13, 2013.

RHRA staff worked with the City's Building Codes officials and the City Attorney to draft Ordinance 908 (Attachment A: Draft Ordinance 908), which was reviewed by the RHRA Board on August 13, 2013. Public comment was taken and some modifications were made based upon that meeting.

At their September 16, 2013, meeting, Council reviewed and recommended slight modifications to the Draft Ordinance 908. The attached version reflects those recommendations.

Based upon testimony of rental property owners the following are highlights of the implementation of Ordinance 908:

- The required licensing of Multi-family Rental properties will become effective January 1, 2015.
- The inspections will be conducted by the Community Development Department (CDD) staff and will be done by a seasonal code enforcement officer.
- The cost of the initial inspection will be included in the licensing fee the first year.
- The proposed fee for the first year is \$20/unit + \$100/building.
- All costs for the subsequent years of the program will come from the CDD budget.
- The first-year inspections are estimated to begin in May 2014 and are intended to conclude in September 2014.
- One third of all rental units will be inspected unless the code enforcement officer deems it necessary to inspect more of the units.
- The draft ordinance would require owners/managers of Multi-family Rental Dwellings (MRD) to do criminal background checks on all renters, to include a disorderly behavior lease addendum to all leases, to maintain a current occupancy register of all renters, and to ensure that all maintenance/repairs have been completed.
- The ordinance would require that property owners have a management representative located within the 7-county metro area.

While the RHRA staff has taken the lead to write the Ordinance and Implementation Plan, it is

35 anticipated that the Building Codes Division of the Community Development Department will
36 take over the Implementation Plan and put together the inspection criteria, inspection manual,
37 and program details (Attachment B: Implementation Plan).

38 **POLICY OBJECTIVE**

39 The intent of the rental licensing program is to ensure that multi-family rental property owners
40 provide and maintain safe and healthy living accommodations. The proposed program will
41 require properties with five (5) or more units to be licensed with the City. The program will
42 require an initial inspection of the rental properties and, depending on the classification of the
43 rental property license, a schedule for reinspection will be determined. The program will also
44 require property owners to attend educational programs hosted by the City.

45 HRA Staff and City Police have again reviewed the Minnesota Crime-Free Multi-Housing
46 Program as it relates to property licensing type. The Minnesota Crime-Free Multi-Housing
47 Program may be incorporated into the memorandum of understanding for correction of nuisance
48 for Type C and D licensings.

49 **BUDGET IMPLICATIONS**

50 The first year rental licensing fees (2014 fees) would cover the cost to implement the program.
51 In subsequent years if the licensing fees do not cover the cost for staff, the costs will come from
52 the Community Development Department's operating budget.

53 **STAFF RECOMMENDATION**

54 Staff recommends taking Public comments.

55 **REQUESTED COUNCIL ACTION**

56 Based upon comments, Council may choose to adopt Ordinance 908.

57

Prepared by: Jeanne Kelsey, Acting Executive Director, 651-792-7086
Attachments: A: Draft Ordinance 908
B: Ordinance Summary
C: Implementation Plan

City of Roseville
ORDINANCE NO. _____

**AN ORDINANCE AMENDING
TITLE 9, TO ADD CHAPTER 908 TO REGULATE RENTAL LICENSING FOR
MULTIFAMILY RENTAL DWELLING UNITS**

CHAPTER 908
Rental Licensing for Multifamily Rental Properties of 5 or More Units

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Purpose: The purpose of adding Chapter 908 is to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. Operators of MRDs are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

SECTION 2: Title 9 of the Roseville City Code is amended to include Chapter 908 with the following text:

SECTION:

- 908.01: Purpose
- 908.02: Definitions
- 908.03: Licensing Requirements
- 908.04: Licensing Term
- 908.05: Fees
- 908.05: Local Agent Required
- 908.06: Licensing Suspensions, Revocation, Denial, and Non-Renewal
- 908.08: Appeals
- 908.09: Maintenance of Records
- 908.10: Authority
- 908.11: Rules, Policies, and Procedures
- 908.12: No Warranty by the City
- 908.13: Severability

908.01: PURPOSE

It is the purpose of this Chapter to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD

licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. The operation of an MRD is a business enterprise that entails responsibilities. Operators are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

908.02: DEFINITIONS

For the purpose of this Chapter, the following terms shall be defined as set forth below.

- A. Building Official: The designated Building Official for the City of Roseville or his/her duly authorized representative(s).
- B. City: Shall mean the City of Roseville.
- C. City Council: Shall mean the City Council of the City of Roseville.
- D. City-Approved Inspector's Report or Inspection Report: Shall mean a rental dwelling inspection report prepared and signed by a City rental housing inspector or inspector contracted by the City to conduct an inspection and provide a report to the City.
- E. Denial: The refusal to grant a license to a new or renewing applicant by the City.
- F. Dwelling Unit: Any portion of a building thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.
- G. Lease: An oral or written agreement between an MRD owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.
- H. License: The formal approval of an activity specified on the certificate of license issued by the City.
- I. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
- J. Multifamily Rental Dwelling (MRD): Any building or portion thereof that contains five (5) or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out in the City of Roseville. This does not apply to Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.
- K. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.
- L. Permissible Occupant Load: The maximum number of persons permitted to occupy a building or space within a building per City Code.
- M. Reinspection: A follow-up inspection that is a) conducted to determine if a Code violation has been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner, or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.
- N. Rent: The consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.
- O. Repair: To restore to a sound and functional state of operation, serviceability, or appearance.
- P. Revoke: To take back a license issued by the City.

- 88 Q. Safety: The condition of being reasonably free from danger and hazards that may cause
 89 accidents or disease.
 90 R. Suspend: To make a license temporarily inoperative.
 91 S. Tenant: Any adult person granted temporary use of a rental dwelling unit pursuant to a lease
 92 with the owner of the MRD.
 93

94 908.03: LICENSING REQUIREMENTS

95 General Rule. No person shall operate, let, or cause to be let an MRD that has not been properly
 96 licensed by the City of Roseville in the manner required by this Ordinance. A license must be obtained
 97 for each MRD. Upon receipt of the properly executed initial application for a rental license, the
 98 Community Development Department shall cause an inspection to be made of the MRD to determine
 99 whether it is in compliance with Chapter 906 (Building Maintenance and Preservation Code), other
 100 Roseville ordinances, and the laws of the State of Minnesota. Every rental dwelling unit shall be re-
 101 inspected after a renewal application is filed to determine if it still conforms to all applicable codes and
 102 ordinances.
 103

- 104 A. Licensing: A license will be granted as Type A, Type B, Type C, or Type D based on nationally
 105 recognized standards recommended by the Building Official and adopted by the City Council.
 106 All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will
 107 expire annually or semi-annually as determined by the license type and City.
 108
 109 B. Criminal Background Check: The licensee shall conduct criminal background checks on all
 110 prospective tenants. The criminal background check must include the following:
 111 1. A statewide (Minnesota) criminal history check of all prospective tenants covering at
 112 least the last three years; the check must be done utilizing the most recent update of the
 113 state criminal history files.
 114 2. A criminal history check of any prospective tenant in their previous states of residence,
 115 unless not allowed, covering at least the last three years if they have not resided in
 116 Minnesota for three years or longer.
 117 3. A criminal history check of any prospective tenant must be conducted in all seven (7)
 118 counties in the metro Twin Cities area: (Anoka, Carver, Dakota, Hennepin, Ramsey,
 119 Scott and Washington) covering at least the last three years, including all misdemeanor,
 120 gross misdemeanor, and felony convictions.
 121 C. Disorderly Behavior Lease Provisions: All tenant leases shall contain crime-free, drug-free
 122 provisions as on file with the City or equivalent that prohibit disorderly behavior identified in
 123 City Code Section 511.02. These lease provisions shall be incorporated into every new lease for
 124 a tenancy beginning January 1, 2015, and all renewed leases by such date.
 125 D. Occupancy Register: Every owner of a licensed rental dwelling shall keep, or cause to be kept, a
 126 current register of occupancy for each dwelling unit that provides the following information:
 127 1. Dwelling unit address
 128 2. Number of bedrooms in dwelling unit and size of each bedroom, including the maximum
 129 number of occupants allowed
 130 3. Legal names and dates of birth of adult occupants
 131 4. Number of adults and children (under 18 years of age) currently occupying each
 132 dwelling unit
 133 5. Dates renters occupied and vacated dwelling units
 134 6. A list of complaints and requests for repair by dwelling unit occupants that relate to the
 135 provisions of this Code of Ordinances

7. A similar list of all corrections made in response to such requests and complaints Such register shall be made available for viewing by the Code Enforcement Officer at each routine inspection or upon City receipt of a report of potential occupancy violation.

E. Application Filed: A license application shall be submitted to the Community Development Department on forms furnished by the City of Roseville and must contain the following information:

1. Name, address, telephone number, and e-mail address of the owner of the rental dwelling units. This is the address that all future correspondence from the City will be sent to. Owner shall indicate if the owner is a corporation, partnership, sole proprietorship, or other business entity.
2. Name, address, telephone number, and e-mail address of designated local agent responsible for the management of the MRD.
3. Street address(es) and unit numbers for the MRD.
4. Number and type of dwelling units including unit size, bedroom size for each building (One [1] Bedroom, Two [2] Bedrooms, etc.) and number of bathrooms.
5. Description of property listing number of buildings and number of dwelling units in each building.
6. Owner shall certify compliance with the requirement found in 908.03B for conducting background checks on prospective tenants.
7. Owner shall certify compliance with the requirement in 908.03C to include disorderly behavior lease provisions.
8. Owner shall certify compliance with the requirement of 908.03D occupancy register.

F. Changes in Ownerships and Amended Licenses: A license is not assignable. Any changes occurring in the ownership of an MRD requires a new license. The new owner must obtain a new license within thirty (30) calendar days of acquiring the property. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within thirty (30) calendar days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

G. Complaint-Based Inspection: The City may, upon receipt of creditable third party complaints or complaints of residents with reasonable concerns, require an inspection of a unit. A complaint-based inspection may require additional units to be inspected. Upon the additional unit inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.

H. Additional Requirements. The City may require additional educational training or participation in programs related to the license type.

908.04: LICENSING TERM

Licenses will be issued for a time period according to the license type as indicated in Diagram 1. All licenses may be reviewed at any time after the beginning of the license term to determine whether the property continues to have the appropriate License Type.

Diagram 1

Requirement →	Attend Roseville Multifamily Property Owners Quarterly Meetings	Inspections and Licensing Fee	Memorandum of Understanding for correction of nuisance	Monthly Updates
License Type* ↓				
Type A	Attend 25%	Once every 3 years	N/A	N/A
Type B	Attend 50%	Once every 2 years	N/A	N/A
Type C	Attend 75%	Once a year	May be required	N/A
Type D	Attend 100%	Once every 6 months	Required (<i>Shall be brought to Council</i>)	Required

- 181
- 182 A. New Licenses: MRDs that have legally not been required to have a rental license due to new
- 183 construction will qualify for a Type B License and must be filed with the City thirty (30)
- 184 calendar days from the issuance of a Conditional or Permanent Certificate of Occupancy.
- 185 B. Operating without Valid License: Properties found operating without a valid rental license from
- 186 the City, properties failing to meet City Code requirements, or properties that have been the
- 187 subject of enforcement actions such as criminal prosecution or civil penalties for violation of this
- 188 chapter will only qualify for a Type C license.
- 189 C. License Renewals: All rental properties are subject to review and may be required to apply and
- 190 qualify for a different license type based on the level of compliance with City Codes and
- 191 applicable regulations.
- 192 D. Chronic Code Violations: For properties having chronic code violations that are not being
- 193 resolved in a timely manner, the City Council may pursue any and all remedies under Minnesota
- 194 Statutes sections 504B.395 through 504B.471 in addition to any other legal or equitable relief.
- 195 E. License Category Criteria: License type will be determined by the number of property Code and
- 196 nuisance violations as recommended by the City Manager and approved by the City Council.
- 197 1. Property Code and Nuisance Violations. Standards for property maintenance will be
- 198 based on compliance with City and other applicable Codes or other nationally recognized
- 199 standards as adopted by the City Council.
- 200 F. License Process and Renewal:
- 201 1. Initial application of existing MRDs in the City must have completed a full application
- 202 and paid the license fee by December 31, 2014.
- 203 2. Code enforcement officers will notify applicant of the inspection date approximately
- 204 thirty (30) calendar days prior to inspection.
- 205 3. Notice of licensing type will be sent to the applicant. The licensing fee will be due and
- 206 payable within thirty (30) calendar days of notice of licensing type. A license will be
- 207 issued for each MRD. Every Owner of an MRD shall conspicuously post the current
- 208 license certificate within fourteen (14) calendar days of receipt in the main entryway or
- 209 other conspicuous location within the MRD. For MRDs that do not have a shared
- 210 common area or entrance, the Owner must provide a copy of the license certificate to
- 211 each tenant by attaching a copy to the tenant's copy of the executed lease agreement.

4. License renewals shall be filed with the Community Development Department by the MRD between 90 and 120 days prior to the license expiration date.

G. Issuance of License: The City shall issue a license once the City deems the property to not have any unsafe, unsanitary, or dilapidated conditions as defined in Section 906.03H or elsewhere in Roseville's City Code and all City fees and fines have been paid.

908.05: FEES

There shall be a licensing fee as established by the City Fee Schedule in Section 314.05. All fees and fines shall be charged to and payable by the property owner.

908.06: LOCAL AGENT REQUIRED

- A. Local Agent: No operating license shall be issued or renewed for a nonresident owner of an MRD (one who does not reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the Building Official the name of the owner's local agent (one who does reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive notice of violations of the provisions of the City Code of Ordinances, to receive and to effect such orders, and to accept all service or process pursuant to law.
- B. Responsibility for Acts of Manager, Operator, or Local Agent: Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

908.07: LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL

- A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension or revocation by the City Council.
- B. Unoccupied or Vacated Rental Units: In the event that a license is suspended, revoked, or not renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the City Council.
- C. Grounds for License Action: The Council may revoke, suspend, or decline to renew any license issued under this Chapter upon any of the following grounds:
1. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
 2. Failure to pay any application fee, fine, penalty, reinspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the City as required by this Chapter and City Council resolution.
 3. Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in Compliance Notices in the time specified in the notice.
 4. Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.
 5. Failure to actively pursue the eviction of tenants who have violated the provision of this Chapter or Lease Addendum on file with the City or have otherwise created a public nuisance in violation of City, state, or applicable laws.
 6. Failure to eliminate imminent health and life safety hazards as determined by the City or its authorized representatives.

- 259 7. Failure to operate or maintain the licensed premises in conformity with all applicable state
 260 and local laws and ordinances.
- 261 D. License Action Sections: Revocation, suspension, and non-renewal may be brought under either
 262 this Section or any other Section of Chapter 908.
- 263 E. Notification, Hearing and Decisions Basis:
- 264 1. Written Notice, Hearing: A decision to revoke, suspend, deny, or not renew a license shall
 265 be preceded by written notice to the applicant or licensee of the alleged grounds, and the
 266 applicant or licensee will be given an opportunity for a hearing before the City Council
 267 before final action to revoke, suspend, deny, or not renew a license.
- 268 2. Decision Basis: The Council shall give due regard to the frequency and seriousness of
 269 violations, the ease with which such violations could have been remedied or avoided, and the
 270 good faith efforts to comply. The Council shall issue a decision to deny, not renew,
 271 suspend, or revoke a license only upon written findings.
- 272 F. Affected MRD: The Council may suspend or revoke a license or not renew a license for part or
 273 all of an MRD.
- 274 G. License Actions, Reapplication:
- 275 1. Suspension: Licenses may be suspended for up to ninety (90) calendar days and may after
 276 the period of suspension be reinstated subject to compliance with this Chapter and any
 277 conditions imposed by the City Council at the time of suspension.
- 278 2. Revocation, Denial, Nonrenewal: Licenses that are revoked will not be reinstated until the
 279 owner has applied for and secured a new license and complied with all conditions imposed at
 280 the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval
 281 of any application for a new license for the same facility will be effective until after the
 282 period of time specified in the Council's written decision, which shall not exceed one (1)
 283 year. The Council shall specify in its written decision the date when an application for a
 284 new license will be accepted for processing. A decision not to renew a license may take the
 285 form of a suspension or revocation. A decision to deny an initial application for a new
 286 facility will not take the form of a suspension or revocation unless false statements have been
 287 made by the applicant in connection with the application. A decision to deny an initial
 288 application shall state conditions of reapplication.
- 289 3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as
 290 specified by Council resolution, in addition to all other fees required by this Chapter.
- 291 4. Written Decision, Compliance: Written decisions to revoke, suspend, deny, or not renew a
 292 license or application shall specify the part or parts of the facility to which it applies.
 293 Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in
 294 such part or parts of the facility may be re-let or occupied. Revocation, suspension, or non-
 295 renewal of a license shall not excuse the owner from compliance with all terms of state laws
 296 and Codes and this Code of Ordinances for as long as any units in the facility are occupied.
 297 Failure to comply with all terms of this Chapter during the term of revocation, suspension, or
 298 non-renewal is a misdemeanor and grounds for extension of the term of such revocation or
 299 suspension or continuation of non-renewal, or for a decision not to reinstate the license,
 300 notwithstanding any limitations on the period of suspension, revocation, or non-renewal
 301 specified in the City Council's written decision or in paragraph 6 of this Section.
- 302 5. New License Prohibited: A property owner who has a rental license revoked may not receive
 303 a new rental license for another property within the City for a period of one (1) year from the
 304 date of revocation. The property owner may continue to operate currently licensed MDRs if
 305 the properties are maintained in compliance with City Codes and other applicable
 306 regulations.

6. The Council may postpone or discontinue an action to deny, not renew, revoke, or suspend a registration certificate, or to fine a licensee or applicant, if the licensee or applicant has taken appropriate measures to correct the violation.

908.08: APPEALS

- A. An appeal pertaining to any licensing decision addressed in this Chapter may be filed by an MRD property owner.
1. The appeal shall be submitted to the City Manager within ten (10) calendar days after the making of the order or decision being appealed.
 2. The appeal shall state the specific grounds upon which the appeal is made.
 3. The appeal shall be accompanied by the fee set forth in Chapter 314.
- B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Building Official.

908.09: MAINTENANCE OF RECORDS

All records, files, and documents pertaining to the Licensing of MRDs shall be maintained in the office of the City and made available to the public as allowed or required by laws, rules, codes, statutes, or ordinances.

908.10: AUTHORITY

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute, or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on licensing.

908.11: RULES, POLICIES, AND PROCEDURES

By resolution the City Council may adopt, from time to time, rules, policies, and procedures for the implementation of this Chapter. Violation of any such rule, policy, or procedure by a property owner shall be considered a violation of this Ordinance.

908.12: NO WARRANTY BY THE CITY

By enacting and undertaking to enforce this Chapter, neither the City, its designees, the City Council, or its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability of any MRD in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety, and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental license.

908.13: SEVERABILITY

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity, or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction,

the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby.

SECTION 3: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this 21st day of October 2013.

CITY OF ROSEVILLE
OFFICIAL SUMMARY OF ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 908:
RENTAL LICENSING FOR MULTIFAMILY RENTAL PROPERTIES OF 5 OR MORE
UNITS TO TITLE 9, BUILDING REGULATIONS, OF THE ROSEVILLE CITY CODE

The City Council of the City of Roseville adopted Ordinance No. _____ on _____, which is summarized as follows:

The Roseville City Code, Title 9, Building Regulations, has been amended to include Chapter 908: Rental Licensing for Multifamily Rental Properties of 5 or More Units. The purpose of this Chapter is to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. Operators of MRDs are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

The Roseville City Code is amended by

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary is also posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2160 Hamline Avenue, Roseville, Mn. 55113, and on the internet web page of the City of Roseville (www.ci.roseville.mn.us).

36 *Ord – Chapters 1017 & 1019*

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43 Attest: _____

Date: _____

44 Patrick Trudgeon, Interim City Manager

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Multifamily Rental Dwelling License Implementation Plan

The purpose of this program is to protect the public health, safety and welfare of citizens of the City who occupy rental units in Multi-family properties. This is achieved by adopting a Rental Dwelling inspection program to provide minimum maintenance standards for existing and newly constructed Multi-family rental properties in Roseville, MN.

The Multifamily Rental Dwellings (MRD) licensing program would be required for any building or portion thereof that contains five (5) or more dwelling units that may be attached side-by-side, stacked floor to ceiling and/or have common entrance and have a common owner that are being rented out in the City of Roseville. This does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations or on-campus college housing.

The program would be set as follows:

- Notice of ordinance adoption in fall 2013 to all MRD property owners.
- Building codes to hire one temporary seasonal code enforcement officer (SCEO) as contract employee to do inspections in 2014.
- Notice in beginning of 2014 to all MRD properties to apply for licensing. Application due by April 15, 2014.
- Community Development or the SCEO will send 14-30 day notice to schedule inspection. Inspections will be conducted in the months of May, June, and July.
- A third 1/3 of all units in MRD will be initially inspected. If upon initial inspection SCEO may determine that additional units need to be inspected.
- Reinspection of code violations may need follow-up. First reinspection is free additional reinspection fees will be \$25.00 a unit and \$100 per building.
- Notice sent by October 1, 2014 License Type A, B, C, or D to MRD.
- Rental licensing fee is due and payable within 45-60 days of notice.
- Fee for licensing is \$100 per building and \$20 per unit. The license will be effective based upon the classification of the property. Property owners who fail to obtain or renew a license within 30 days of expiration will result in a \$500 penalty; the penalty will double every 2 weeks it remains unpaid.
- For properties that have chronic code violations that are not being resolved in a timely manner the City may use the "Tenant Remediation Act."
- The City may, upon receipt of a creditable third party complaint or residents with reasonable concerns, require an inspection of a unit. Upon a complaint based inspection the city may require additional units to be inspected. Upon that inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.
- Quarterly Property Owner's meetings start in 2015. Dates to be determined for the meetings and notices going out in fall of 2014 through e-mail notices from applications.

Property Licensing Requirements

The type of license (A, B, C, or D) a property owner receives will be determined by the overall number of property code violations identified during the inspection. (see table below).

Requirement →	Attend Roseville Multifamily Property Owner's Quarterly meetings	Inspections and Licensing Fee	Mitigation Plan	Monthly Updates
License Type ↓				
Type A	Recommended	Once every 3 years	-	-
Type B	Attend 25%	Once every 2 years	-	-
Type C	Attend 50 %	Once a year	May be required	-
Type D	Attend 75 %	Once every 6 months	Required and shall be brought to Council.	Required

Multifamily Property Owner's Quarterly Meetings

The Roseville HRA staff and the Roseville Police Community Relations Coordinator will provide quarterly educational outreach meetings and will provide topics that property owners will give input on. These meetings will be either recommended or required based upon level of property license received.

Violation Rate Calculation

Inspection criteria will be based upon the Building Maintenance and Preservation Code (906) or other nationally recognized standards that has been adopted by City Council. Inspection criteria and evaluators guidelines will be provided to owners and posted on the City's website. The license type will be based on the average number of code violations per inspected property. *(The City may choose upon the initial inspections to change the below criteria).*

Proposed Property Code Violations Criteria (Property Code Only)	
License Category	Property Code Violations per Inspected Unit
Type A – 3 Year	0-.50
Type B – 2 Year	Greater than .50 but not more than 1.0
Type C – 1 Year	Greater than 1.0 but not more than 1.5
Type D – 6 Months	Greater than 1.5

Example

Based on the table above, an 11-unit property would be required to have 4 units inspected ($33\% \times 11 = 3.63$)

To receive a Type A License, the 4 units could have no more than 2 violations averaged for the units inspected ($4 \times .50 = 2$)

To receive a Type B License, the 4 units could have no more than 4 violations averaged for the units inspected ($4 \times 1 = 4$)

To receive a Type C License, the 4 units could have no more than 6 violations averaged for the units inspected ($4 \times 1.5 = 6$)

Fees and Repeat Nuisance Service Code Violations

Property owners who fail to meet the requirements under the Type of license criteria may be subject to doubled fees for rental and/or change of rental licensing type and Repeat Nuisance Ordinance (RNO), Chapter 511. Enforcement of that ordinance will be coordinated between departments on a monthly basis.

Cost implications to the City

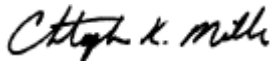
- To assist with implementation, process manual and coordinating this new program, a consultant may need to be hired.
- The city will have to hire a Seasonal Code Enforcement Officer. Fees from rental licensing should cover cost for the first year of implementation.
- If council would like the police to implement the Minnesota Crime Free Multifamily program and to make it part of the licensing type criteria than additional police staff will need to be hired.

This Multi-Family Rental Housing Implementation Plan is intended to provide program concepts and is draft for discussion purposes.

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/2013
Item No.: 12.a

Department Approval



City Manager Approval



Item Description: Continue Discussion on the 2014 Tax Levy and Budget

BACKGROUND

At the September 9, 2013 City Council meeting, the Council adopted the 2014 preliminary property tax levy and budget. The preliminary budget includes some assumptions on new costs related to maintaining existing programs and services. Many of these programs require significant advanced planning on how resources need to be allocated. As a result, City Staff would like to receive Council direction on a number of key assumptions embedded in the preliminary Budget.

Those assumptions include:

- ❖ 2% employee cost-of-living adjustment (COLA)
- ❖ New Park Maintenance position (budgeted)
- ❖ New Volunteer Coordinator position (not budgeted)
- ❖ 2014 CIP Funding Plan

Each of these items is described in further detail below, along with supporting budget-related information.

2% COLA

The City Council recently approved a 3.26% one-time wage adjustment to non-union employees. This adjustment helped offset the effects of having wage increases lag behind local inflationary impacts over the past few years. It also narrowed the gap in wages compared to other peer cities.

As previously reported by Staff, most peer cities have already approved or are poised to approve a 2% COLA for employees in 2014. The 2% figure is consistent with the inflationary predictions being made by national economic experts. If Roseville does not provide for a similar increase it will once again fall behind other cities for which we compete with for talented employees.

Park Maintenance Position

Over the next few years the City expects to make a significant investment in new park shelters and other amenities as part of the Parks Renewal Program. This will require added maintenance to ensure that these facilities are kept in the proper condition.

In recognition of this added maintenance effort, the Council tentatively included funding in the 2014 Budget for the creation of a new Park Maintenance position at a cost of approximately \$60,000 annually. The Council is asked to affirm whether this position should remain in the Budget.

Volunteer Coordinator Position

Over the past couple of years, there have been a number of Council discussions on the creation of a Volunteer Coordinator position. As it currently stands, the 2014 preliminary Budget and tax levy does not have any funding available for this position.

If the Council wants to establish this position it will need to identify a funding source. This could include a redirection of existing funds or the use of cash reserves. If the latter is being considered, the Council should take note that cash reserves are already being sought to fund a number of programs and services. They are identified in the chart below.

2014 Recommended Budget – Use of General Fund Cash Reserves

Program	Description	Amount
N/A	2% Employee cost-of-living adjustment	\$ 165,000
N/A	Employee wage step increases	80,000
N/A	Employee Healthcare - 3% increase **	50,000
Police & Fire	PERA increase mandate	30,000
Police & Fire	Dispatching	65,000
N/A	General Inflation	47,000
N/A	Reduction from sales tax exemption	(40,000)
Fire Relief	Reduced City Contribution per actuarial study	(80,000)
	Total	\$ 317,000

The planned use of cash reserves amount is less than originally projected, but remains significant in the context of reaching a structurally-balanced budget for 2015.

CIP Funding Plan

The CIP Funding Plan expects to receive a boost of \$225,000 in 2014 thanks to newly-funded Local Government Aid (LGA) provided by the 2013 Legislature. This has been tentatively earmarked for Information Technology (\$75,000) and Building Replacement (\$150,000) consistent with the recommendations put forth by the previous CIP Subcommittee. The Council is asked to affirm this funding allocation.

The CIP Funding Plan for 2015 and beyond is expected to be revisited during an upcoming Council Goal-setting session(s) and/or the 2015 budget process.

2014 Preliminary Tax Levy

For 2014, the preliminary tax levy is \$18,028.721, an increase of \$758,895 or 4.4%. Of this amount, \$560,000 has been set aside to pay for the added debt service associated with the Parks Renewal Program. The remaining \$198,895 represents the amount designated for day-to-day operations; an increase of 1.4% over the current operating levy.

As previously adopted, the \$198,895 in new levy dollars were allocated as follows:

2014 Preliminary Tax Levy (excluding debt service)

Program	Description	Amount
Compensation Study – 2.6%	Adjustment to be implemented January 1 st	\$ 104,565
Compensation Study – 2.0%	Adjustment to be implemented July 1 st	40,215
Park Maintenance	Full-time Park Maintenance Operator position	60,000
Police Patrol	Additional overtime	10,000
Police Community Services	New American outreach materials	1,000
N/A	Unallocated	3,115
Wellness Program	Budget Reduction	(20,000)
	Total	\$ 198,895

Since the adoption of the preliminary levy, the Council agreed to a 3.26% wage adjustment plus a supplemental adjusted for a handful of employees that were more significantly behind the marketplace average. The Council also suspended the Merit Pay Program and budget reduction for the Wellness Program. This required a net levy of \$127,000. Therefore the adjusted 2014 preliminary Tax Levy is as follows:

2014 ADJUSTED Preliminary Tax Levy (excluding debt service)

Program	Description	Amount
Compensation Study – 3.26%	Adjustment to be implemented January 1 st	\$ 157,190
Compensation Study – Add'l	Add'l market adjustment for 8 employees	20,000
Wellness Program	Budget Reduction	(20,000)
Merit Pay Program	Suspend Merit Pay Program	(30,000)
Park Maintenance	Full-time Park Maintenance Operator position	60,000
Police Patrol	Additional overtime	10,000
Police Community Services	New American outreach materials	1,000
N/A	Unallocated	705
	Total	\$ 198,895

2014 Preliminary Budget

The 2014 preliminary Budget for the tax-supported programs is \$23,008,060, an increase of \$1,223,258 or 5.6%. The increase includes \$560,000 for the remaining debt obligations associated with the Parks Renewal Program. It also includes \$225,000 in additional capital funding that was made possible by an appropriation of Local Government Aid.

The preliminary Budget for the non tax-supported programs is \$27,682,665, an increase of \$4,028,697 or 17.0%. The increase is due to higher planned capital outlays (\$1.5 million), tax increment financing activities (\$1.7 million), and added costs associated with the purchase of water from the City of St. Paul and wastewater treatment charges from the Met Council.

A broader discussion on these non tax-supported programs is planned for later this year.

Tax Levy and Impact on Homeowners

A summary of the tax levy impact on homeowners based on the Recommended Budget is presented below. In an effort to provide added insight not only on the 2014 Budget but also future budgets, a 7-year projection of the tax levy is shown below. The 7-year period coincides with the same period referenced in the recommendations set for the by the City Council and CIP/Budget Committee.

Proposed Tax Levy & Estimated Impact

Levy Purpose	2013	2014	2015	2016	2017	2018	2019	2020
Operations (a)	\$ 12,543,826	\$ 12,742,721	\$ 13,540,003	\$ 13,946,203	\$ 14,364,589	\$ 14,795,526	\$ 15,239,392	\$ 15,696,574
Capital (b)	1,586,000	1,586,000	1,796,000	2,106,000	2,266,000	2,761,000	2,961,000	3,611,000
Debt (c)	3,140,000	3,700,000	3,480,000	3,330,000	3,330,000	3,055,000	2,995,000	2,230,000
Total	\$ 17,269,826	\$ 18,028,721	\$ 18,816,003	\$ 19,382,203	\$ 19,960,589	\$ 20,611,526	\$ 21,195,392	\$ 21,537,574
\$ Levy Increase	-	\$ 758,895	\$ 787,282	\$ 566,200	\$ 578,386	\$ 650,938	\$ 583,866	\$ 342,182
% Levy Increase	-	4.4%	4.4%	3.0%	3.0%	3.3%	2.8%	1.6%
Monthly Impact (d)	-	\$ 4.47	\$ 3.26	\$ 2.34	\$ 2.39	\$ 2.69	\$ 2.41	\$ 1.42
% Increase		7.3%	5.0%	3.4%	3.4%	3.7%	3.2%	1.8%

2014 Property Tax Impact:

- ❖ Under the 2014 Recommended Budget, the monthly impact on a median-valued home will be \$4.47 per month. Only \$0.83 of this amount is for day-to-day operations. The remaining is for debt service.
- ❖ In total, a median valued home will pay approximately \$65 per month in property taxes. This is comparable to what that same home will pay independently for gas, electric, mobile phone, and internet connectivity.
- ❖ This 7-year tax levy projection demonstrates that the City is nearing a period of stability that will allow for inflationary-type increases moving forward in order to maintain current service levels. However, if the Council establishes new programs or initiatives, additional taxes will be likely.

POLICY OBJECTIVE

Not applicable.

FINANCIAL IMPACTS

See above.

STAFF RECOMMENDATION

Staff Recommends the Council provide further direction on the 2014 Budget to allow for advanced planning of resource allocations.

132 **REQUESTED COUNCIL ACTION**

133 The Council is asked to provide further direction on the 2014 Budget.

134

Prepared by: Chris Miller, Finance Director

Attachments: A: Not applicable

REQUEST FOR COUNCIL ACTION

Date: October 21, 2013

Item No.: 13.a

Department Approval

Interim City Manager Approval



Item Description: Consider Policy on Annual Staff Cost of Living Adjustments

1 **BACKGROUND**

2 As requested by the City Council, staff has prepared language for a Council policy on city staff
3 cost of living adjustments. During the September 9, 2013 meeting the Council requested that
4 staff prepare a policy that would use the Consumer Price Index (which is a measure of the
5 average change over time in the prices paid by urban consumers for a market basket of consumer
6 goods and services) as the basis for staff cost of living adjustments annually.

7 **Policy Language:** Annually, during budget discussions, the City will provide any cost of living
8 wage adjustments as deemed necessary by utilizing the Bureau of Labor Statistics (BLS) site for
9 the CPI of urban consumers in the Minneapolis/St. Paul area for the previous fiscal year as the
10 basis. This percentage will be rounded to the nearest tenth of a percent.

11
12 Using this methodology, the BLS CPI – U for the previous fiscal year from July 2012 through
13 July 2013 for consideration of the January 2014 COLA then is 2.05% or rounded to 2.1% as
14 shown in attachment A

15 **POLICY OBJECTIVE**

16 To deliver a wage system and structure that is fair and equitable while allowing Roseville to
17 attract and retain quality staff in the marketplace.

18
19 **BUDGET IMPLICATIONS**

20 The current budget for 2014 already has 2% set aside for wage adjustments.

21 **STAFF RECOMMENDATION**

22 Staff recommends that the City Council move ahead with a policy and budget decision at this
23 time. Therefore staff recommends the following:

- 24
25 1. Implement the City Council compensation policy to be utilized moving forward.
26
27 2. Approve the 2014 cost of living adjustment utilizing the the 2.1% as indicated using the new
28 policy.

29 **REQUESTED COUNCIL ACTION**

30

31 Consider adopting the compensation policy as laid out above and approve the 2.1% wage
32 adjustment for January 1, 2014 for staff as indicated by the new policy.

Attachments: A: BLS Minneapolis/St. Paul CPI - U

Prepared by: Patrick Trudgeon, Interim City Manager (651) 792-7021
Eldona Bacon, Human Resources Manager (651) 792-7025

Consumer Price Index - All Original Data Value

Series Id: CUURA
Not Seasonally Adjusted
Area: Minneap
Item: All items
Base Period: 1982-
Years: 2003 to 2013

Year	Annual	HALF1	HALF2	12-Month Difference	%
2003	182.7	181.7	183.6		
2004	187.9	186.6	189.2		
2005	193.1	192.4	193.9		
2006	196.2	195.1	197.3		
2007	201.247	200.627	201.867		
2008	208.958	208.284	209.632		
2009	207.889	206.167	209.611		
2010	211.728	210.965	212.492		
2011	219.339	217.374	221.304		
2012	224.459	223.880	225.038		
2013		228.473		4.593	2.05%

Date: October 21, 2013

Item: 13.b

Consider Approval of Rental
Licensing Ordinance

Please See Item: 11.a

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 10/21/2013

ITEM NO: 13.c

Department Approval



City Manager Approval

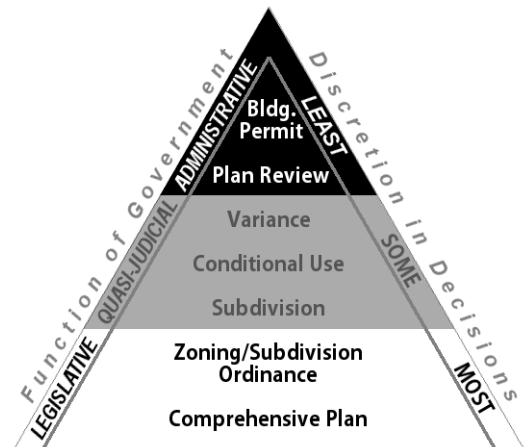


Item Description: Request by The Woof Room, in conjunction with the owner of the commercial property at 2025 Rice Street, for approval a **zoning text change and conditional use** to allow a dog daycare/boarding facility with an outdoor component (PF13-015)

Application Review Details

- Public hearing: October 2, 2013
- RCA prepared: October 16, 2013
- City Council action: October 21, 2013
- Statutory action deadline: November 2, 2013

Action taken on proposed zoning amendments is **legislative** in nature; the City has broad discretion in making land use decisions based on advancing the health, safety, and general welfare of the community. Action taken on a conditional use proposal is **quasi-judicial**; the City's role is to determine the facts associated with the request, and apply those facts to the legal standards contained in State Statute and City Code.



1.0 REQUESTED ACTION

The Woof Room seeks approval of a **zoning text change and conditional use** to facilitate plans to establish a dog day care and boarding facility with an outdoor area for the animals within 100 feet of a residential property.

2.0 SUMMARY OF RECOMMENDATION

2.1 Planning Division staff concurs with the recommendation of the Planning Commission to pass an ordinance amending the zoning code as proposed, pursuant to Title 2 (Commissions) and Title 10 (Zoning) of the City Code; see Section 9 of this report for the detailed recommendation.

2.2 Planning Division staff concurs with the recommendation of the Planning Commission to adopt a resolution approving the proposed conditional use with certain conditions, pursuant to Title 10 (Zoning) of the City Code; see Section 9 of this report for the detailed recommendation.

3.0 BACKGROUND

- 3.1 The subject property, located in Planning District 16, has a Comprehensive Plan Land Use Designation of Community Business (CB) and a corresponding zoning classification Community Business (CB) District.
- 3.2 In the CB zoning district, animal day care and boarding facilities are permitted uses if they're conducted entirely within a building. Such facilities that have an outdoor component, such as an exercise area, can be approved as a conditional use if the fence surrounding the outdoor area is not more than 6 feet tall and if outdoor component is not less than 100 feet from a "residentially zoned property or property in residential use." Because some dogs can leap over 6-foot fences and because the present proposal includes an outdoor area less than 100 feet from that property in residential use, the zoning code would prohibit the facility.
- 3.3 The property abutting the west side of the subject property shares the CB zoning designation, but it is a legal, nonconforming one-family residence; therefore, it is a "property in residential use." Because the present proposal includes an outdoor area less than 100 feet from that property in residential use, the zoning code would prohibit the facility. The proposed site plan is included with this report as Attachment C. The present proposal seeks approval of a ZONING TEXT CHANGE to modify certain fence height limitations as well as the 100-foot restriction established in City Code §1009.02D (Specific Standards and Criteria for Conditional Uses) to allow. In this case, the owner-occupant of the one residential property within 100 feet of the proposed outdoor area supports the application.
- 3.4 If the City Council supports such a ZONING TEXT CHANGE, the application also includes a request for approval of the overall proposal as a CONDITIONAL USE, pursuant to the revised standards.

4.0 REVIEW OF ZONING TEXT CHANGE

- The proposed ZONING TEXT CHANGES are shown in a draft ordinance, included with this report as Attachment F; proposed insertions will be represented in **bold** text, and proposed deletions will be shown in ~~strike through~~ text. A brief discussion of the proposed changes can be found in the paragraphs below.
- 4.1 City Code §1005.03 (Table of Allowed Uses) and §1009.02D combine to allow an animal boarding and day care facility with an outdoor component as a conditional use in the CB zoning district so long as the screening fence surrounding the outdoor area is not more than 6 feet tall and the outdoor area is at least 100 feet from a residential property. The proposed amendment would allow an animal day care/boarding facility to include an outdoor component within 100 feet of a residential property if all residential property owners within the 100-foot radius support the application. The proposed amendment would also eliminate the 6-foot height limit, which seems to have been established more to strike a residential aesthetic despite conflicting with §1011.03B (Buffer Area Screening), requiring taller fences for greater screening/buffering between commercial and residential properties.
- 4.2 The general review of fence regulations in connection with the present application, §1011.08B (Residential Fences) was found to contain a reference that also conflicts with §1011.03B, referenced above, but that has been found to be out of place. Specifically, the

sentence introducing the residential fence requirements says that the regulations (including a 6.5-foot height limit) apply to residential properties and any other property “directly adjacent to any residential zoning district.” Because the subject property is only adjacent to properties which share its CB zoning designation, this phrase doesn’t affect the present application but, having found the conflicting regulations while reviewing this application, now is an opportune time to strike the conflicting language.

4.3 Roseville’s Development Review Committee met on September 12, 2013 to discuss this proposal, and no one had any particular concerns about relieving the 100-foot restriction in cases where all residential property owners in the protected area support an animal boarding facility with an outdoor area.

4.4 The current prohibition of such outdoor areas in close proximity to residential properties was a product of the significant anxiety felt by the would-be residential neighbors of The Woof Room’s present location. Given the amount of concern, and the eventual discontent over the City’s approval of the facility in the face of those concerns, it seemed simpler just to avoid the potential conflict in the future; hence the outright prohibition of outdoor areas near residential properties. The outdoor area in the current location is about 40 feet from the southern property line which abuts the residential neighbors. Although City staff had not received any complaints about noise, odor, or other nuisance from the outdoor area at this distance from a residential district boundary, a minimum, mandatory separation of 100 feet was established in the 2010 zoning code update simply because it represented a round figure that was significantly greater than the 40-foot distance of this previous, contentious instance. During the public hearing for the present application, the Planning Commission discussed whether 100 feet was adequate in light of the reasons for establishing a minimum distance in the first place, or whether some greater minimum distance would be more appropriate. In the end, the consensus of the Commissioners was that any greater distance would be equally arbitrary and would be of questionable value in further reducing the potential noise of barking dogs.

4.5 As a practical manifestation of “the written support of all owners of [residential] properties within 100 feet” of The Woof Room’s proposed outdoor area, Planning Division staff has suggested that the applicants prepare a written description of how the outdoor area is to be managed, how many dogs will be out at any time and for how long, how noise and odors are to be minimized, and so on. This description would be provided to the one owner of residential property within 100 feet of the proposed outdoor area for him to endorse or append a short statement of endorsement, which would then become an Exhibit of a resolution approving the conditional use. In this way, future management of the outdoor area can be measured against the description and, should problems arise which are not (or cannot be) resolved, the City has specific grounds on which to initiate proceedings to rescind the conditional use approval. This suggestion was supported by the Planning Commission, and the endorsed description will be included with this report as part of the draft resolution.

5.0 REVIEW OF CONDITIONAL USE

5.1 REVIEW OF GENERAL CONDITIONAL USE CRITERIA: Section 1009.02C of the City Code establishes general standards and criteria for all conditional uses, and the Planning Commission and City Council must find that each proposed conditional use does or can meet these requirements. The general standards are as follows:

- a. *The proposed use is not in conflict with the Comprehensive Plan.* While an animal boarding facility doesn't appreciably advance the goals of the Comprehensive Plan aside from facilitating continued investment in a property, the Planning Commission has found that it does not conflict with the Comprehensive Plan.
- b. *The proposed use is not in conflict with a Regulating Map or other adopted plan.* The proposed use is not in conflict with such plans because none apply to the property.
- c. *The proposed use is not in conflict with any City Code requirements.* If the zoning code is amended as proposed, the Planning Commission found that the proposed outdoor component to the dog day care facility can and will meet all applicable City Code requirements; moreover, a CONDITIONAL USE approval can be rescinded if the approved use fails to comply with all applicable Code requirements or any conditions of the approval.
- d. *The proposed use will not create an excessive burden on parks, streets, and other public facilities.* An animal boarding/day care facility that is conducted entirely indoors is a permitted use in the CB zoning district and, not being adjacent to parks or other public facilities except for streets and a storm sewer, any potential impacts would be caused by pet waste and patron traffic. The outdoor component should not increase traffic noticeably beyond what could be expected for an indoor facility, and conditions to minimize impacts to the storm sewer system can be attached to an approval of the request. For these reasons, the Planning Commission documented its finding that the proposal should not be expected to intensify any practical impacts on parks, streets, or public infrastructure.
- e. *The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.* This applicant received approval of a similar facility in 2010 as an interim use, which was granted with a series of conditions to minimize impacts to the several residential neighbors of the previous location and, during the entire 3-year operation, City staff has received no complaints about noise, odors, or other nuisances. With some similar conditions attached to an approval of the present application, the Planning Commission has found that the proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

5.2 REVIEW OF SPECIFIC CONDITIONAL USE CRITERIA: Section 1009.02D of the City Code establishes additional standards and criteria that are specific to drive-through facilities; the requirements as amended by the proposed ZONING TEXT CHANGE are as follows.

- a. *Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use or shall have the written support of all owners of such properties within 100 feet.* The proposed facility would be more than 100 feet from the multi-family residential properties to the south and, although it is adjacent to one property in residential use, that property owner has written a letter of support for the proposal.
- b. *Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material.* This requirement would be enforced as part of the administrative process of permitting the building and other site

improvements in preparation of the site for occupancy of the proposed dog day care facility.

- 5.3 Roseville's Development Review Committee met on September 12, 2013 to discuss this proposal, and the only concern raised was to ensure that storm water from the site does not have a greater rate, volume, or contamination impact on the adjacent property to the north, where storm water currently drains.

6.0 PUBLIC COMMENT

The duly-noticed public hearing for this application was held by the Planning Commission on October 2, 2013; draft minutes of the public hearing are included with this report as Attachment D. Based on its review of the application, the pertinent zoning regulations, and testimony offered at the public hearing, the Planning Commission, unanimously recommended approval of amendments pertaining to fences, voted (5-1) to recommend approval of the proposed amendment pertaining to the support by owners of residential property within 100 feet of an outdoor area associated with an animal day care/boarding facility, and unanimously recommended approval of the proposed CONDITIONAL USE, subject to certain conditions. In addition to the phone calls noted during the public hearing, Planning Division staff has received one letter pertaining to this request; this letter is included with this report as Attachment E.

7.0 RECOMMENDATION

- 7.1 Based on the comments and findings outlined in Sections 3 – 4 and 6 of this report, the Planning Division concurs with the recommendation of the Planning Commission to approve the proposed ZONING TEXT CHANGE to Chapters 1009 (Conditional Uses) and 1011 (Property Performance Standards) of the City.
- 7.2 Based on the comments and findings outlined in Sections 3 and 5 – 6 of this report, the Planning Division concurs with the recommendation of the Planning Commission to approve the proposed outdoor area as a CONDITIONAL USE, pursuant to Chapter 1009 (Conditional Uses) of the City Code, for an animal boarding and day care facility at 2025 Rice Street, subject to the following conditions:
- a. Prior to City Council action on this application, the applicant shall obtain and submit a written statement of support for the application from all owners of residentially zoned property or property in residential use within 100 feet of the outdoor area. **This recommended condition of approval will not be included in the draft resolution because the resolution will include the statement of support, thus obviating the condition.**
 - b. All solid pet waste shall be collected at least once each day, placed in bags to minimize odors, and deposited into the trash.
 - c. All affected indoor flooring areas shall be promptly cleaned up using appropriate cleaning/disinfecting products following pet waste "accidents." **This condition was part of the original, interim use approval, likely to ensure cleanliness in a building which the applicant's did not own. Planning Division staff does not believe such a condition is necessary for approval of the present application and has, therefore, omitted it from the draft resolution. If the City Council believes**

190 **that this condition should be imposed on the present approval, the motion to**
191 **adopt an approval resolution should include the reinstatement of this condition.**

- 192 **d.** The outdoor activity area shall be thoroughly cleansed and rinsed at least once each
193 day during warm weather, and as soon as practicable after periods of freezing
194 weather, with all of the rinse water being directed into a rain garden or other system
195 approved by the City engineering staff.
- 196 **e.** The applicant shall work with City engineering staff to ensure that the rate, volume,
197 and contamination of storm water leaving the property are not increased as a result of
198 the improvements related to the outdoor area.

199 **8.0 POSSIBLE COUNCIL ACTIONS**

200 **8.1 Approve the proposed ZONING TEXT CHANGE and the outdoor area for an animal**
201 **boarding and day care facility at 2025 Rice Street as a CONDITIONAL USE as**
202 **recommended.**

- 203 **a. Pass an ordinance enacting the proposed ZONING TEXT CHANGE**, based on the
204 comments and findings of Sections 3 – 4 and 6 and the recommendation of Section
205 7.1 of this staff report.
- 206 **b. Adopt a resolution approving the proposed outdoor area for an animal boarding**
207 **and day care facility at 2025 Rice Street as a CONDITIONAL USE**, based on the
208 comments and findings of Sections 3 and 5 – 6 and the recommendation of Section
209 7.2 of this report.

210 **8.2 Pass a motion to table the item for future action.** Tabling beyond October 28, 2013
211 may require extension of the 60-day action deadline established in Minn. Stat. §15.99.

212 **8.3 Pass a motion, to deny the requested approvals.** Denial should be supported by
213 specific findings of fact based on the City Council’s review of the application, applicable
214 zoning regulations, and the public record.

Prepared by: Associate Planner Bryan Lloyd
651-792-7073 | bryan.lloyd@ci.roseville.mn.us

Attachments: A: Area map D: Draft public hearing minutes
B: Aerial photo E: Public comment
C: Proposed plans F: Draft ordinance
G: Draft resolution

Attachment A for Planning File 13-015



Prepared by:
Community Development Department
Printed: September 17, 2013

Site Location

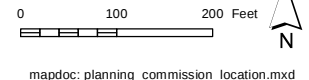
LR / LDR-1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (9/4/2013)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning_commission_location.mxd

Attachment B for Planning File 13-015



Prepared by:
Community Development Department
Printed: September 17, 2013



Site Location

Data Sources

* Ramsey County GIS Base Map (9/4/2013)
* Aerial Data: MnGeo (4/2012)

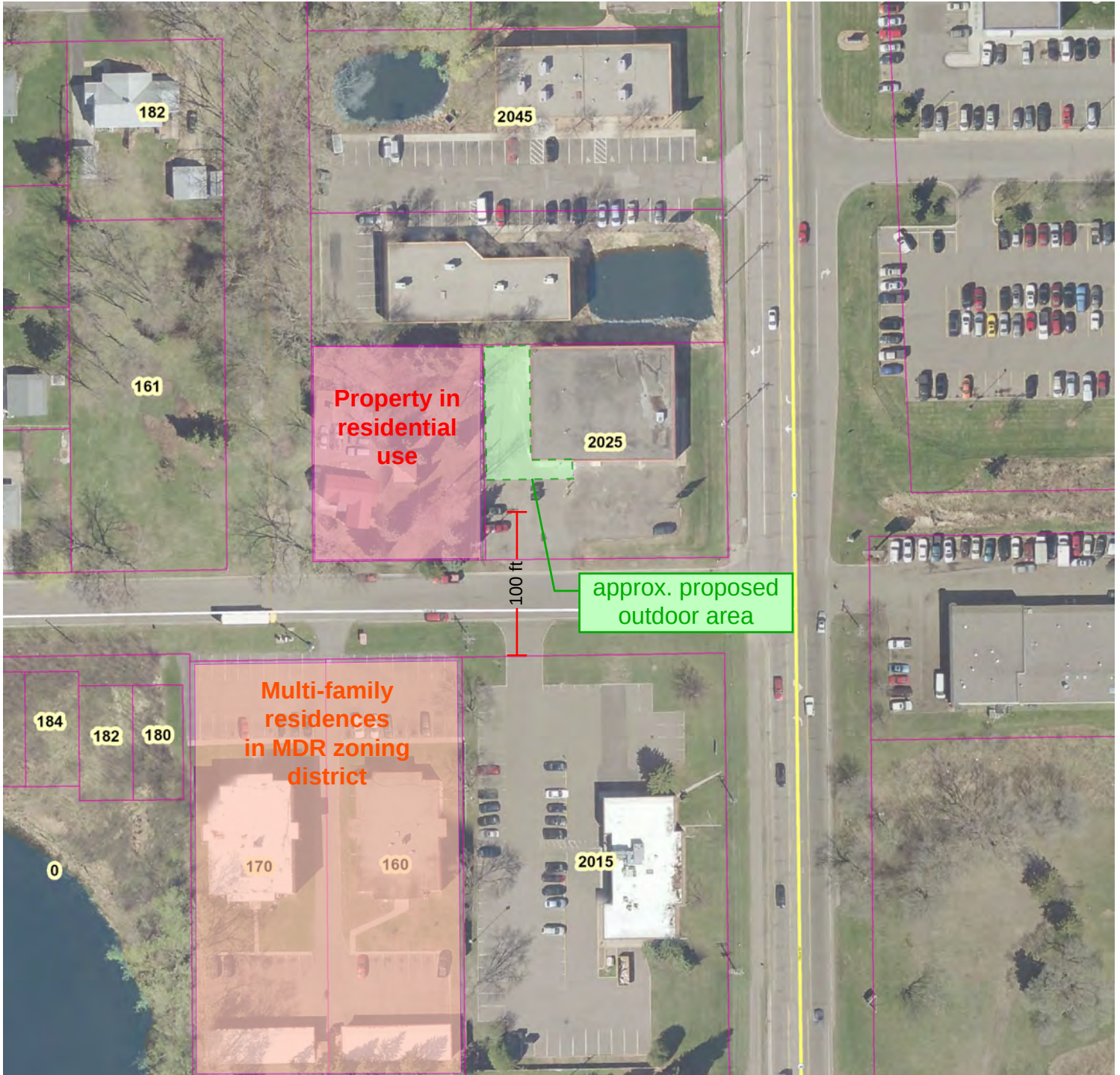
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

1" = 100'





Dear Roseville Planning Commission and City Council,

Enclosed are our applications for a conditional use permit and a zoning text amendment change for the re-location of our dog daycare and board facility, The Woof Room. The new location is 2025 Rice Street.

Currently, 2025 Rice Street is zoned community business – and is designated as such on the comprehensive plan. Our indoor use is a permitted use within the zoning without the need for a conditional use permit. The reason for our application is that we wish to continue to have an outdoor play area – as we have had in our current location at 1430 County Road C. An outdoor area is an important element on our services. An outdoor play area is allowed in a Community Business zoning district – with a conditional use permit.

Currently, there is an existing, non-confirming house directly adjacent to 2025 Rice Street (the house is zoned Community Business). As the code is presently written, Roseville cannot approve a conditional use application for an outdoor component of a dog boarding facility if that outdoor area is within 100 feet of a property in residential use--including an existing, nonconforming house on a Community Business property.

As such, we are also seeking a change to the zoning text. We propose an amendment allowing an outdoor area to be within 100 feet of properties in residential use if 100% of the residential owners of those affected properties offer signatures in support for an application that would place the outdoor area within 100 feet of their property.

Loren Hockemeyer, owner of the lone residential (non-conforming) property within 100 feet of the proposed outdoor play area, is fully supportive of our business and is in full support of our proposed outdoor play area. Loren agreed to demonstrate his support in however the city council requests (signature, by petition, or by attending city council meeting and expressing support).

We appreciate your time and consideration!

Sincerely,

Kristen Cici
Owner

Angie Decker
Owner

PLANNING FILE 13-015

Request by The Wolf Room, in conjunction with the owner of the commercial property at 2025 Rice Street, for approval of a ZONING TEXT CHANGE and CONDITIONAL USE to allow a dog daycare/boarding facility with an outdoor component.

Vice Chair Boguszewski opened the Public Hearing for Planning File 13-015 at 6:30 p.m.

Associate Planner Bryan Lloyd summarized the request as detailed in the staff report dated October 2, 2013, defining the Zoning Text Changes and Conditional Use and the specifics of each. Mr. Lloyd advised that the Planning Division staff recommending approval of the Zoning Text Change and Conditional Use.

Zoning Text Amendment

Specific to this portion of the request, Mr. Lloyd reviewed staff report, Section 5.1.D.b regarding City Code language for screening by a solid fence, hedge or similar plant material not to exceed six feet (6') in height. Based on staff's analysis, and the Comprehensive Land Use designation of this subject parcel as Community Business (CB), staff recommended Zoning Text language revisions to remove the height limitation for review on a case by case basis that would consist of striking "non-residential districts" from current language to avoid future conflicts. Mr. Lloyd presented proposed strike-out language as a bench handout, ***attached hereto and made a part hereof.***

Mr. Lloyd clarified that any height limitations would be addressed in the Conditional Use permitting process for animal boarding and day care facilities; and with the allowance for written support of 100% of all owners of adjacent residentially zoned properties or those properties remaining in residential use in a CB District to a subject parcel, this should provide sufficient protection of interests of all parties.

Conditional Use

In reviewing the Conditional Use portion of this request, in addition to the analysis detailed in the staff report, Mr. Lloyd advised that staff was aware of no noise complaints being received by the City in the three (3) years of operation by the Woof Room in their current location under an Interim Use Permit.

As part of the Conditional Use application approval process, Mr. Lloyd advised that staff suggested the applicant provide in writing specifically how the outdoor area was expected to be operated (e.g. frequency, waste disposal, noise, number of dogs at any given time) for submission to the City and evidence for support or opposition of the adjacent neighbors within that 100' radii; and that it become part of the official record of the Conditional Use as a starting point for enforcement action if indicated in the future; also providing sufficient protection of interests for all parties.

Mr. Lloyd advised that staff was recommending one additional their recommendation for approval of the Conditional Use beyond that detailed in the staff report, and included that recommended modification as a bench handout, ***attached hereto and made a part hereof.*** Mr. Lloyd advised that there had been some sort of drainage infrastructure on the property in the past, but its construction or details were unknown to the City in research of records specific to this parcel. While the intent and functionality of the current drainage system may meet current standards and requirements, Mr. Lloyd suggested a minor change to those conditions in Section 8.2 of the report, specifically Condition d as follows: "The outdoor activity area shall be thoroughly cleansed and rinsed at least once each day during warm weather, and as soon as practicable after periods of freezing weather, with all of the rinse water being directed into a rain garden ***[or other solution]*** approved by the City's engineering staff; and..."

Discussion

Vice Chair Boguszewski clarified, for the audience and listening public, that staff was suggesting that the current technical definition of "rain garden" may not be broad enough for the applicants to transform the existing generic garden space into a qualified "rain garden."

Mr. Lloyd noted that the definition of a "rain garden" was not necessarily addressed in the City's Zoning Code, but generally included accepted landscaping features or excavation to amend soils to allow better drainage with acceptable plantings to facilitate that drainage and cleansing process, guided to collect during rain events. Mr. Lloyd advised that this particular current drainage area would not qualify as a "rain garden" and would therefore not meet the drainage needs addressed in the staff report; but there was a possibility that it could be excavated or modified to meet the same drainage goals as a traditional "rain garden."

At the request of Vice Chair Boguszewski, Mr. Lloyd advised that the proposed change in language for this particular situation would not change the City's underlying code requirements to make it easier or more difficult for

other applications or situations in the future. Mr. Lloyd advised that the proposed revised language in the condition would only affect and was only recommended for approval of this application, not the code itself.

Vice Chair Boguszewski questioned why staff had not recommended that the applicant pursue a Variance process versus the Zoning Code Text change and Conditional Use process for the outdoor use, since the underlying code (Section 1009.02 Conditional Uses – D. Specific Standards and Criteria, 1.a) states that any outdoor dog runs or exercise areas be located at least 100' from a residentially zoned property or property in a residential use.

Mr. Lloyd advised that this option had been considered and discussed; however in the end, staff had determined that a Variance would provide a less thorough response by not addressing this prohibition in similar situations in the future. If the written support of all owners of such properties within 100' was received as part of the review/approval process, and the applicant had provided their intent and business operation model in writing for those neighboring residential properties as well, Mr. Lloyd suggested that staff determined that writing such a provision into code for business uses next to adjacent properties seemed more viable.

In the case of this specific application and the due diligence of the applicant to-date, Mr. Lloyd advised that the only residential neighbor within that 100' radius was supportive of the application.

Vice Chair Boguszewski advised that his only concern was the particular method for neighbor approval, and whether their written support would be binding on subsequent owners who may or may not share that support. Vice Chair Boguszewski questioned if this would signify a "grandfathered" situation for subsequent owners if written support of current owners was part of the record.

Mr. Lloyd advised that this was true of any existing use; and opined that it was incumbent upon incoming property owners to be aware of surrounding properties and their uses and zoning designations; performing due diligence as part of their consideration of whether or not to purchase a parcel based on that information. While future property owners had an option to purchase a parcel in this location or elsewhere, Mr. Lloyd noted that the current property owners had some existing vested interest in their personal and/or adjacent properties, and feel a proposed change is disadvantageous to them.

Mr. Lloyd reiterated that specific to this application, it had the full support of the only residential property owner.

Based on a personal example, Vice Chair Boguszewski opined that he would have difficulty if he were to purchase this home in the future; being aware of City Code, but then finding that the only reason the adjacent property can have the outdoor run was based solely on written approval of the current owner. Vice Chair Boguszewski questioned if the potential option for him could be to have the business operation shut down since he would then be the residential property owner and that use did not have his support.

City Planner Thomas Paschke clarified that the Conditional Use would be recorded, as was the general practice, against the property regardless of ownership, and part of the official title search and record of the parcel.

Mr. Lloyd concurred, further noting that a property owner always had the choice to refuse to support a new Conditional Use, or uses proposed for a property,; and noted that if an adjacent property owner felt a facility is not being operated as outlined in writing by the applicant as previously noted, this would be part of staff's review, code enforcement, and possible rescinding of the Conditional Use.

While understanding the options, Vice Chair Boguszewski stated that he still had concerns that this process versus a Variance process could bind subsequent property owners versus current owners.

At the request of Member Murphy who noted that noise could carry beyond 100', Mr. Lloyd opined that staff's research on the history of the 100' distance seemed somewhat arbitrary and he was unsure of any formula originally used to determine that distance. Mr. Lloyd advised that the current location of the Woof Room was 40' from several adjacent residential properties, and that this 100' provision would provide a considerably larger distance than currently existed. Mr. Lloyd reiterated that this distance hasn't appeared to be an issue to-date, with no staff complaints received.

Mr. Paschke advised that, based on his institutional knowledge, there was no standard for the 100'. Mr. Paschke advised that most problematic city-wide noise would be governed by the City's nuisance ordinance or the property performance standards of City Code related to noise. However, Mr. Paschke advised that he was unaware of any specific noise ratio formula.

Regarding fence height, Member Murphy referenced Section 1011.08.B. related to "Residential Fences in all Districts," and standards applying to all fences constructed in any residential zoning district, or directly adjacent to

103 such a district. Member Murphy noted that this addressed fence height, buffer areas, screening, and setback
 104 requirements, and questioned how that applied to this situation and proposed fencing or screening.

105 Mr. Lloyd noted that there were several areas of code that addressed acceptable screening options, including a
 106 building itself, and spoke in support of a case by case determination as to what was more practical for the use or
 107 application being screened on a subject property and needing to be buffered from adjacent residential properties.

108 As an example, Mr. Paschke noted that there was a 13' fence on the east side of the Har Mar Mall parcel,
 109 buffering or screening adjacent residential properties, rather than only a 6' fence as code provides. Mr. Paschke
 110 advised that the Cub Foods store use going into the mall, had triggered the language. Mr. Paschke spoke in
 111 support of striking that section of code as practical specific to commercial properties in a Community Business
 112 (CB), Community Mixed Use (CMU) or Industrial/Business Park zoning designation to provide for and regulate
 113 creation of property screening mechanisms on a case by case basis; with the requirement at a higher standard for
 114 businesses and offices. Mr. Paschke noted that this would clean up the language to make it more practical in day
 115 to day application, use, and enforcement.

116 Seeking a clarification of City Code related to kennel licensing, Member Cunningham questioned if that section
 117 related to this use or if it was an exemption.

118 Mr. Lloyd clarified that Kennel Licensing was not a part of the Planning Division, but handled through the
 119 Licensing Division; with Mr. Paschke further clarification that this use was not a Kennel License that would apply
 120 to residential property owners for their personal property and use, and required this land use process for approval;
 121 with the fence requirement only addressing commercial applications versus residential.

122 During his personal site visit, Member Daire opined that it appeared to him that the area being talked about
 123 north/south on the west side of the 2025 parcel was actually a current ramp to a basement with a retaining wall
 124 running along the north and west sides of the space and into an area out to the street, and consisting of a 12' high
 125 hedge. Member Daire advised that he had not seen a dedicated rain structure at the bottom, but opined that there
 126 was a drain to the storm or sanitary sewer system.

127 At the request of Member Daire as to whether the Woof Room was renting or purchasing the property, Mr. Lloyd
 128 advised that they had entered into a contract to purchase the parcel, depending on the results of this process and
 129 other details.

130 Upon purchase of the property, Member Daire questioned if the applicant would be in a position to alter the
 131 concrete at the end of the run; or whether the Woof Room owners intended to fill that space to make it level with
 132 the property, or leave it as a ramped surface.

133 Mr. Lloyd advised that, to his knowledge, the Woof Room owners intended to leave it as a ramped surface. At
 134 their current facility, Mr. Lloyd advised the applicant had used outdoor turf for a similar facility. Mr. Lloyd reviewed
 135 the various areas needed for screening, including the existing retaining wall and fencing proposed on top of that,
 136 as well as taller fencing along the west grade to come up to that level. While the owners of the Woof Room intend
 137 to purchase this parcel, Mr. Lloyd advised that they had been fully compliant at their current location where they
 138 were tenants, by creating a rain garden on that site as well.

139 Member Daire questioned staff's rationale in only going to property owners within 100' rather than the
 140 extraordinary majority of nearby properties.

141 Mr. Lloyd advised that staff felt, given zoning of the property as Community Business (CB), and the intent to
 142 address whether or not this use being adjacent to residential uses, based on previously-addressed concerns in
 143 the Woof Room's current location, having 100% of the adjacent residential property owner(s) seemed more than
 144 adequate.

145 In response to Member Daire's question whether storm runoff to the north would be any problem, Mr. Lloyd
 146 advised that he preferred not to opine about stormwater issues and leave that analysis up to the City's
 147 Engineering Staff and/or the Watershed District(s). Mr. Lloyd noted that it was his understanding that the existing
 148 pond was private and already problematic for stormwater drainage, prompting construction of the current drain
 149 facility to cleanse the runoff. Mr. Lloyd opined that with storm sewer management code requirements in place, he
 150 didn't anticipate any issues that could not be resolved to ensure the stormwater was filtered and had some rate
 151 control measures in place.

152 At the request of Member Daire, Mr. Lloyd confirmed that this analysis, approval, monitoring, and enforcement
 153 would be handled administratively, as with all such stormwater management issues.

154 At the request of Vice Chair Boguszewski, Mr. Lloyd confirmed that written notice had provided to property
155 owners within the 500' radius for land use applications.

156 At the request of Member Boguszewski, Mr. Lloyd confirmed that, while the neighboring residential property
157 owner had offered his written support several times to-date, it seemed out of order to receive it before that
158 requirement became part of the approval process.

159 At the request of Member Stellmach, Mr. Lloyd addressed the recourse for the property owner to the north if noise
160 became an issue in the future. Mr. Lloyd noted that any noise or odor issues would be addressed by the City's
161 Nuisance Codes, as previously outlined by Mr. Paschke, and based on the written statement of support and
162 predicated on the practice/culture of the outdoor facility and its general description. Mr. Lloyd advised that this
163 provided the City and/or adjacent property owners the ability to come to the City if the business was not being
164 operated consistent with its approval, which would then prompt enforcement action, and subsequent rescinding of
165 its approval.

166 **Applicants and Owners of the Woof Room, Kristen Cici and Angie Decker**

167 Ms. Cici clarified that the home next to this subject parcel was zoned CB, with the existing home already a legal,
168 non-conforming use. Based on that zoning, Ms. Cici opined that if and when that home was sold in the future, it
169 was possible and even likely that it would become a business.

170 Vice Chair Boguszewski reiterated his concern that a proposed change in the zoning text may affect similar uses
171 or applications in other areas of the City.

172 At the request of Member Murphy, Ms. Cici reviewed their average population of 40 dogs, advising that they
173 anticipated growing at this new site, based on a significant demand and their waiting list. However, Ms. Cici
174 advised that the average would remain around 40 dogs, as the population varied for the Day Care portion during
175 the winter months (higher) and summer months (slower), but highly determined by the weather.

176 At the request of Member Daire, Ms. Cici confirmed that the Day Care portion of the operation had a much lower
177 population overnight, typically 15-20 dogs, with the population only reaching 40 during their busiest time
178 (holidays), with the typical weeknight population much lower, approximately 20. At the request of Member Daire,
179 Ms. Cici reviewed their business model for overnight and day care operations.

180 At the request of Vice Chair Boguszewski, Ms. Decker advised that, for management purposes they provided a
181 ratio of dogs per staff members, and it would be very unusual for all the dogs to be outside at any given time, with
182 typical operations indicating a maximum of 15 dogs out at any given time, based on their staffing capabilities, with
183 the typical outing for 10-20 minutes and alternating different groups of dogs, varying on weather and behavior of
184 the dogs. Ms. Decker advised that the length of the outing depended on the dog, and if it started barking, or
185 something excited the entire group, they were immediately brought back inside. During night time hours, Ms.
186 Decker responded that it would typically only be for bathroom breaks for the dogs.

187 While there appeared to be no formal record of police calls or complaints, Vice Chair Boguszewski referenced his
188 knowledge of the concerns expressed by neighbors during their Interim Use application process several years
189 ago, and whether the applicants could adequately monitor the dogs. Vice Chair Boguszewski asked Ms. Cici and
190 Ms. Decker whether the neighbors had been in personal contact with them, or if they had fielded direct
191 complaints; asking their honest evaluation of how manageable the business model and operations had proven.

192 Ms. Decker advised that they had fielded a few calls during their first year of operation as their staff was being
193 hired and trained. However, over the last year of operation at their current location, Ms. Decker stated that they
194 had not heard from anyone. Ms. Decker attributed this to the extensive training provided for dog handlers, and
195 their long-term staff who were more than capable of handling the dogs and any situations arising.

196 Ms. Cici concurred, noting that they, as business owners along with their staff, had methods for providing
197 incentives to and in dealing with hyper dogs. In general, Ms. Cici advised that if a dog starts barking, they avoid or
198 remedy the situation causing that hyperactivity; and that it was never allowed to become excessive or continue for
199 any lengthy amount of time.

200 Vice Chair Boguszewski suggested the most effective training seemed to be more for the handlers versus dogs
201 as evidenced by the comments of Ms. Cici and Ms. Becker.

202 At the request of Vice Chair Boguszewski, Ms. Cici confirmed that their intent was to purchase the property,
203 hoping to have things finalized by the end of next week, depending in part on the outcome of this hearing.

At the request of Vice Chair Boguszewski, Ms. Cici advised that having an outdoor run was an important component of their business model, as most owners they dealt with were concerned with potty training, making the outdoor area important in reaching that goal. Ms. Cici advised that their business model was not intended to serve as a kennel, but to provide an environment where dogs could enjoy themselves, thus the outdoor component.

Public Comment

Mr. Lloyd advised that staff had fielded a couple of phone calls regarding this application and tonight's hearing, consisting of one property owner seeking more details and apparently satisfied after speaking with staff; another from the Property Manager at TCE Services and Dialysis Systems, specifically related to drainage issues for their property, as well as being cautious for their tenants and any concerns they may have, by making those tenants well aware of this application.

Brad Grant, 5025 Elmer Street (behind the holding pond at the 2020 parcel)

Mr. Grant expressed his appreciation for receiving notice of this public hearing, advising that his fiancé was a property owner immediately outside the 100' area. Mr. Grant advised that, based on the information provided by staff in their report and tonight's discussion, most of his concerns had been addressed, and commented that "great information was presented." Mr. Grant advised his only remaining concerns were with possible noise; advising that when his fiancé had first moved into the two-story duplex, there had been a solid row of trees providing a natural noise barrier; however, they had since been removed. Opining that noise was cumulative, Mr. Grant expressed his appreciation of the proposed fence height; however, expressed concern that while no single amount of noise may disturb the neighborhood, it could become an issue with the cumulative effect. Mr. Grant advised that, without those trees providing a natural barrier, all noises were much more noticeable, even police sirens arriving at the apartments south of their parcel.

At the prompting of Member Daire, Mr. Grant confirmed that he was familiar with the site and the ramp located primarily where the dogs would be outside, as well as the grade level at the one-story building at 2029 and the 10' solid barrier in place. Mr. Grant, even recognizing that the height may suffice and the location of the ramp, questioned if the fence height could be at the same height as the building to avoid any open area from the building through the parking lot where a lot of the noise currently originated.

At the request of Vice Chair Boguszewski, Mr. Lloyd reviewed the area of the parcel requiring fencing and projected heights, indicating that the entire outline of the outdoor area would require an 8' height, with several feet of the northern property line with a retaining wall requiring a lower height, currently adequate, with 8' height along the west side. Based on that 8' height, regardless of the depth, Mr. Lloyd confirmed for Vice Chair Boguszewski that this would adequately address the neighbor concerns for noise abatement to the north.

With Vice Chair Boguszewski opining that the fence should be 8' all the way around to "not be inconsistent with code," as staff addressed in a former and unrelated application discussion, Mr. Paschke advised that the goal was to provide the same fence height throughout, with the exception of the retaining area to achieve that same height, which he felt was appropriate in this situation.

In response to Vice Chair Boguszewski observing that a Conditional Use was "forever," not only for a set term, Mr. Paschke clarified that this was a distinction between two separate land use applications: an Interim Use for a set period, typically three years, and this purpose-driven process to consider a Conditional Use without a term limit for a permitted use.

Vice Chair Boguszewski closed Public Hearing at approximately 7:31 p.m.

In his role as Chair for tonight's meeting, Vice Chair Boguszewski noted that the City Council had recently asked that Members provide their rationale for their support or denial of a recommendation; and personally asked that the vote be split into three (3) separate motions:

- 1) Zoning Text revision regarding fences in residential areas;
- 2) Striking language regarding the 6' fence requirement, and providing for written support of 100% of adjacent residential property owners; and
- 3) The Conditional Use request.

Vice Chair Boguszewski advised, that overall, he would support this proposal.

Member Murphy concurred, stating that at first he thought the proposal was too restrictive, but after Mr. Paschke's explanation, he found more clarity.

255 **MOTION**

256 **Member Boguszewski moved, seconded by Member Murphy to recommend to the City Council**
 257 **APPROVAL of a proposed ZONING TEXT CHANGE as follows:**

258 ***RESIDENTIAL 1011.08 FENCES IN ALL DISTRICTS – B Residential Fences – “The following standards***
 259 ***shall apply to all fences constructed in any residential zoning district --- ~~or directly adjacent to any~~***
 260 ***residential zoning district.”***

261 **Ayes: 6**

262 **Nays: 0**

263 **Motion carried.**

264 In providing his rationale for seeking three (3) separate motions, Vice Chair Boguszewski expressed his concern
 265 that this was not being pursued as a Variance process versus this recommendation and potential impact to other
 266 properties in the area. Therefore, Vice Chair Boguszewski advised that he would be voting in opposition to this, as
 267 he didn't agree with changing the code in this way, while recognizing that the majority vote will prevail. Vice Chair
 268 Boguszewski noted that this was basically a symbolic gesture on his part, and if the majority vote so indicates, he
 269 may vote to approve the request of the applicants.

270 Member Daire spoke in support of the proposed text revision not to exceed 6' in height, opining that her
 271 personally thought height should be determined by staff based on the situation that this particular section of code
 272 is being applied to. Member Daire advised that he would be more comfortable if staff was involved in determining
 273 fence height or screening; and expressed his support of this motion if that is the intent.

274 Mr. Paschke responded to Member Daire, that whether in practice or in force, that determined the height of a
 275 fence, with staff reviewing each application and advising the applicant what is best for their particular situation
 276 (i.e., administrative review process), similar to landscaping issues. Mr. Paschke advised that having a “not to
 277 exceed 6' in height” provision didn't preclude staff working with the applicant and determining what is appropriate
 278 for fence height and its required placement, but this text revision simply dovetailed into other sections of the code
 279 addressing screening and buffering. Mr. Paschke assured all that staff would continue to work the public, the
 280 Commission, and applicants to determine what would work best and which type of fence or screening would best
 281 fit a specific application.

282 Based on that continued staff involvement in determining height, Member Daire questioned if that should be made
 283 a part of the motion.

284 Mr. Paschke opined that it wasn't necessary, as most staff review and implementations were enforced by staff
 285 and it would remain up to staff to advise applicants on how best to achieve code compliance based on their
 286 particular situation, without explicitly stating it.

287 Member Stellmach spoke in general support of the request, including the upcoming section on written support.
 288 However, Member Stellmach expressed ongoing concerns with the recourse for future owners; even though he
 289 was somewhat comforted by the fact that future owners could learn about this situation in their review of real
 290 estate records. Overall, Member Stellmach advised that he would support the request.

291 Member Cunningham offered her support as well; and expressed her appreciation of the clarification that staff
 292 would continue to work with applicants; and opined that she did not need that language as part of the motion to
 293 lend her support of it.

294 Based on staff's report and tonight's discussion and explanations, Member Keynan spoke in support of the
 295 motion.

296 Member Murphy, admitting to some reservation about eh 100' being too narrow and somewhat arbitrary, offered a
 297 suggested language change of 200' as an option if a Variance process was not the only option open to an
 298 applicant.

299 Mr. Paschke responded that determining whether or not to expand the distance area may be considered, any
 300 number may be perceived as arbitrary with existing performance standards and nuisance codes. Mr. Paschke
 301 further stated that the Variance process option came into play only if an applicant couldn't get appropriate sign-off
 302 from those within the distance requirement; opining that he was unaware of how much or who else may be
 303 impacted from that standpoint. Mr. Paschke clarified that he was not aware of whether or not the initial 100'
 304 distance was really tied to noise or barking; noting that there were many noises in a neighborhood, and
 305 questioned whether or not a distance requirement had anything to do with a particular use or not beyond

providing some separation from a residential property. Based on that intent, Mr. Paschke opined that the 100' seemed appropriate, and questioned if 150' or 200' would be any more appropriate; and if the number was changed to 200', then the applicant could simply seek a Variance to that section of code as an alternative.

Member Murphy clarified that he wasn't so much concerned with this application as it was within a CB District and dovetailed into that future use well. However, Member Murphy advised that he was concerned with its impact with future applications.

At the request of Vice Chair Boguszewski, Mr. Lloyd clarified that code language takes specific note of property lines versus building locations on a property.

MOTION

Member Cunningham moved, seconded by Member Stellmach to recommend to the City Council APPROVAL of a proposed ZONING TEXT CHANGE; based on the comments and findings of Sections 4, 6 and 7, and the recommendation and conditions of Section 8 of the staff report dated October 2, 2013; specifically amending Section 1009.02 Conditional Uses; D. Specific Standards and Criteria: 1.a to read:

"Outdoor dog runs or exercise areas shall be located at least 100' from a residentially zoned property or property in residential use [or shall have the written support of all owners of such properties within 100]."

Ayes: 5

Nays: 1 (Boguszewski)

Motion carried.

MOTION

Member Cunningham moved, seconded by Member Stellmach to recommend to the City Council APPROVAL of the outdoor area as a CONDITIONAL USE for an animal boarding and day care facility at 2025 Rice Street; based on the comments and findings of Sections 4, 6 and 7, and the recommendation and conditions of Section 8 of the staff report dated October 2, 2013; amending Section 8.2.d of the staff report to read:

"The outdoor activity area shall be thoroughly cleansed and rinsed at least once each day during warm weather, and as soon as practicable after periods of freezing weather, with all of the rinse water being directed into a rain garden [or other solution] approved by the City's engineering staff."

MOTION

The maker and the seconder of the original motion agreed to redraft the motion to apply only to Section 8.2 of the staff report.

Ayes: 6

Nays: 0

Motion carried.

VOTE ON REDRAFTED ORIGINAL MOTION

Ayes: 6

Nays: 0

Motion carried.

Member Cunningham encouraged the Woof Room owners to continue discussion with their neighbors regarding any other problems; opining that otherwise, she was comfortable that most of the conditions are on the current property and seem to be effective; and reiterated her strong support of the request as amended.

WILLIAM PEARSON
2040 WOODBRIDGE ST.
ROSEVILLE MN 55113

October 8, 2013

City of Roseville Community Development
2660 Civic Center Dr. Roseville, MN 55113

Att'n: Mr. Brian Lloyd

Re: "Woof Room"

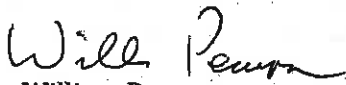
Dear Mr. Lloyd:

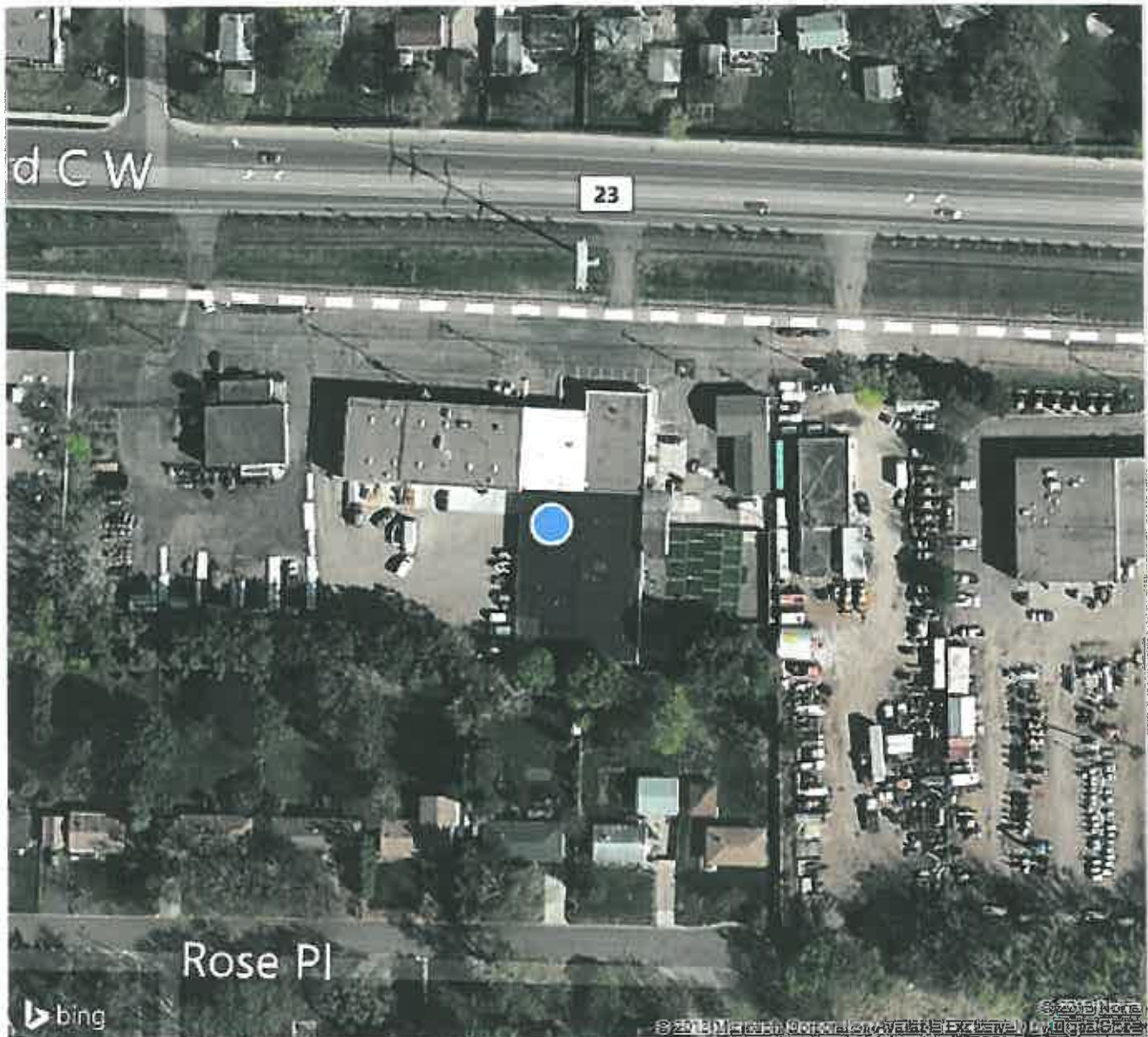
I watched most of the presentation to the Planning Commission and am generally supportive but have some concerns. Enclosed is a map of their current site off Co. Rd. C. The residential area fronting Rose Place is shielded from the industrial area North by a high barrier fence throughout the block. There can be little interaction between the residential area and the dogs. We observed a dog "outing" and while there was some barking, the staff seemed to keep them under good control. (We could hear barking from Rose Place, some 300 or so feet away).

At 2025 Rice, there is commercial property North and South. A single family residence just West and an apartment building diagonally across Elmer St. There will be more awareness of the animals at this location. School and transit buses stop here. Teasing or simple curiosity could precipitate barking at the enclosed area. Throwing objects over the fence or sticking fingers through it could make things much worse.

I think this may work, but would suggest an interim nonconforming use trial period with zoning changes now proposed.

Sincerely,


William Pearson



Bird's eye view maps can't be printed, so another map view has been substituted.

City of Roseville

ORDINANCE NO. _____

An ordinance amending selected text pertaining to conflicting fence regulations and requirements for animal boarding and daycare facilities in Chapters 1009 (Procedures) and 1011 (Property Performance Standards) of Title 10 “Zoning Code” of the Roseville City Code

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to improve outdoor storage regulations by amending the definition and revising how and where outdoor storage is allowed.

SECTION 2. Chapter 1009 is hereby amended as follows:

1009.02: Conditional Uses

D. Specific Standards and Criteria: When approving the conditional uses identified below, all of the additional, specific standards and criteria shall apply.

1. Animal Boarding, Animal Day Care, Kennel: If outside exercise runs or other outdoor activities are contemplated, the following standards shall be met:

- a. Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use **or shall have the written support of all owners of such properties within 100 feet;** and
- b. Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material ~~not to exceed 6 feet in height.~~

SECTION 3. Chapter 1011 is hereby amended as follows:

1011.08: Fences in All Districts

B. Residential Fences: The following standards shall apply to all fences constructed in any residential zoning district ~~or directly adjacent to any residential zoning district:~~

SECTION 4. Effective Date: This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 21st day of October 2013

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 21st day of October 2013 at 6:00 p.m.

The following Members were present: _____;
and _____ were absent.

Council Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. _____
A RESOLUTION APPROVING AN OUTDOOR COMPONENT OF AN ANIMAL
BOARDING AND DAYCARE FACILITY AS A CONDITIONAL USE AT 2025 RICE
STREET (PF13-015)**

WHEREAS, The Woof Room has applied for approval of the proposed conditional use and has a purchase agreement for the property at 2025 Rice Street, which is legally described in said purchase agreement as:

PIN: 13-29-23-14-0001

The South 150.0 feet of Block 1, Schwarz's Subdivision of Part of Lot 16 of Thornton's Subdivision of the North East Quarter of Section 13, Township 29 North, Range 23 West, except the West 83.0 feet thereof, also except the East 17.0 feet thereof taken for widening of the Rice Street, together with that part of adjoining vacated alley which accrued thereto by vacation thereof.

WHEREAS, the Roseville Planning Commission held the public hearing regarding the proposed CONDITIONAL USE on October 2, 2013, voting 6-0 to recommend approval of the use based on public testimony and the comments and findings of the staff report prepared for said public hearing; and

WHEREAS, the Roseville City Council has determined that approval of the proposed CONDITIONAL USE will not result in adverse impacts to the surrounding properties based on the following findings:

- a.** While an animal boarding facility doesn't appreciably advance the goals of the Comprehensive Plan aside from facilitating continued investment in a property, it does not conflict with the Comprehensive Plan;
- b.** The proposed use is not in conflict with such plans because none apply to the property;
- c.** With the attendant amendment to the zoning code, the proposed outdoor component to the dog day care facility can and will meet all applicable City Code requirements;

moreover, a conditional use approval can be rescinded if the approved use fails to comply with all applicable Code requirements or any conditions of the approval;

- d. An animal boarding/day care facility that is conducted entirely indoors is a permitted use in the CB zoning district and, not being adjacent to parks or other public facilities except for streets and a storm sewer, any potential impacts would be caused by pet waste and patron traffic. The outdoor component should not increase traffic noticeably beyond what could be expected for an indoor facility, and conditions to minimize impacts to the storm sewer system can be attached to an approval of the request. For these reasons, the proposal should not be expected to intensify any practical impacts on parks, streets, or public infrastructure;
- e. This applicant received approval of a similar facility in 2010 as an interim use, which was granted with a series of conditions to minimize impacts to the several residential neighbors of the previous location and, during the entire 3-year operation, City staff has received no complaints about noise, odors, or other nuisances. With some similar conditions attached to an approval of the present application, the proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare;
- f. The proposed facility would be more than 100 feet from the multi-family residential properties to the south and, although it is adjacent to one property in residential use, that property owner has written a letter of support for the proposal, included here as Exhibit A; and
- g. Proper screening of the outdoor area will be enforced as part of the administrative process of permitting the building and other site improvements in preparation of the site for occupancy of the proposed dog day care facility.

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the proposed outdoor facility as a CONDITIONAL USE at 2025 Rice Street in accordance with Section §1009.02 of the Roseville City Code, subject to the following conditions:

- a. All solid pet waste shall be collected at least once each day, placed in bags to minimize odors, and deposited into the trash.
- b. The outdoor activity area shall be thoroughly cleansed and rinsed at least once each day during warm weather, and as soon as practicable after periods of freezing weather, with all of the rinse water being directed into a rain garden or other system approved by the City engineering staff.
- c. The applicant shall work with City engineering staff to ensure that the rate, volume, and contamination of storm water leaving the property are not increased as a result of the improvements related to the outdoor area.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and upon vote being taken thereon, the following voted in favor: _____; and _____ voted against.

WHEREUPON said resolution was declared duly passed and adopted.

[illegible]

WITNESS MY HAND officially as such Manager this 21st day of October 2013.

(SEAL)

October 9, 2013

City of Roseville
Attn: Bryan Lloyd
2660 Civic Center Drive
Roseville, MN 55113

Re: Letter in support of The Woof Room's proposed outdoor area at 2025 Rice Street

To Whom It May Concern:

My name is Loren Hockemeyer, and I am the homeowner at 161 Elmer Street, Roseville, MN 55113. It is my understanding that The Woof Room, a dog daycare and boarding facility already located in Roseville, will soon be moving to 2025 Rice Street, a property located directly adjacent to my home. To my knowledge, I am the sole residential property owner located within 100 feet of The Woof Room's new location. My property is zoned Community Business and is a legal non-conforming residence.

I have been told about The Woof Room's operations. The Woof Room offers both daycare and overnight boarding for dogs, with open lobby and daycare hours of 7am-7pm on weekdays and 8am-6pm on weekends. Dogs are always supervised during both indoor and outdoor play time. In addition to outdoor visits during daycare hours, supervised groups of dogs staying in the hotel are brought outdoors to relieve themselves shortly after 6:00am and shortly before 10:00pm each day. The Woof Room has always had an outdoor fenced area for the dogs. I understand that groups of around 20 dogs use the outdoor area at one time and that The Woof Room's staff return the dogs indoors if barking ever becomes excessive. In addition to ensuring that noise is never an issue, The Woof Room has adequate cleaning policies in place to ensure that odor is never an issue as well. This includes immediately picking up dog droppings as they occur and cleansing the outdoor surface regularly.

The Woof Room is proposing that their outdoor area be located on the west side of the new location, which borders and is within 100 feet of my property. Under the current zoning regulation wording, a business of their nature is already allowed at the site, but the outdoor component would be required to be at least 100 feet from any residence. It is my understanding that the wording of the zoning rule can be changed to allow the outdoor space as proposed, with my permission. This proposed change has been approved by the Planning Commission and awaits final approval by the City Council, as well as my written understanding and consent.

I understand and am supportive of The Woof Room's business. I understand the proposed location of the outdoor area and, as the sole residential homeowner within 100 feet, I am sending this letter to offer my support and consent for the City Council to adjust the wording of the zoning regulation and to allow The Woof Room's outdoor area as they have planned and proposed it to be on the west side of the property and within 100 feet of my property.

Sincerely,

A handwritten signature in black ink that reads "Loren Hockemeyer". The signature is written in a cursive, flowing style.

Loren Hockemeyer