



**Regular City Council Meeting Minutes**  
**City Hall Council Chambers, 2660 Civic Center Drive**  
**Monday, November 7, 2022**

**1. Roll Call**

Mayor Roe called the meeting to order at approximately 6:56 p.m. Voting and Seating Order: Groff, Willmus, Strahan, Etten, and Roe. City Manager Patrick Trudgeon and City Attorney Mark Gaughan were also present.

**2. Pledge of Allegiance**

**3. Approve Agenda**

Willmus moved, Strahan seconded, approval of the agenda as presented.

**Roll Call**

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

**Nays:** None.

**4. Public Comment**

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

**5. Recognitions, Donations, and Communications**

**6. Items Removed from Consent Agenda**

**7. Business Items**

**a. Consider an Ordinance Adding Chapter 316 to the City Code, Regulating Tetrahydrocannabinol (THC) Products and Approve a Summary Ordinance.**

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated November 7, 2022.

Councilmember Willmus indicated in Section B that staff added under Chapter 316.10, where it is defining what wholesalers are, he wondered if that should also be spelled out in the definition section.

Mr. Trudgeon indicated it could, noting a very generic term is being used. There may be a similar issue with medical providers because that was kept very broad for interpretation.

Mayor Roe thought there was a little problem with Section B where it talks about wholesalers and manufacturers but certainly it is conceivable that someone retails products over the internet only and are not a wholesaler because it is not business

to business and not a manufacturer because the product is not actually being manufactured by that business. Staff may want to add that as a category in that section as an online only retailer or something to that affect.

Mr. Trudgeon believed the intent of this ordinance was more of the in-person store front sales. He thought wording for online retailers or at retailers that sell the product over the internet could be added if the Council would like, just to make sure it is clear.

### **Public Comment**

Mayor Roe offered an opportunity for public comment.

**Ms. Carol Moss, Attorney at Helmuth and Johnson, Edina**

Ms. Moss addressed the City Council regarding this Ordinance. She wanted to open herself up to the Council if there are any questions about the industry or the products that she might be able to answer for the Council.

Mayor Roe thanked Ms. Moss for offering her help on this subject. He closed public comment.

Mayor Roe noted a couple of items the Council needs to look at are the total number of licenses permitted. From his perspective, another question may be thinking about the definition of that access via an exterior door and how that might fit if someone has a storefront in one of the City's shopping centers that has an internal courtyard with stores off the internal courtyard. Also, whether or not that exterior door requirement limits the business from being able to have an age restricted site under that definition. He was not sure if the Council was concerned about that condition or not.

Councilmember Etten asked if Mayor Roe had a suggested language addition for the exterior door requirement.

Mayor Roe thought in terms of how those enforcing this might interpret that, access to the public only by an exterior door tends to tell him that the business cannot have a site in a shopping mall that has a secondary door to get into the mall and then a door to get into the facility.

City Attorney Gaughan stated his understanding that the policy behind this is to have an actual store front to make monitoring easier on staff, noting that all the shopping malls have portions with store fronts that are exterior. He thought that would strike a good balance between the policy behind having a store front requirement but allowing those sites to have potentially these sorts of retailers. A large portion of Rosedale has storefronts that have only exterior doors.

Mayor Roe wondered if a way to potentially allow it where the business does not have to have exterior access doors is to simply say "is accessible to the public only by a door". He could then see someone having a storefront in a mall internal to the mall but still only have access through a controlled door and have the ability like they would with an exterior access to be able to monitor who comes in. It is not like it is an open store front typical to what is seen in a mall.

City Attorney Gaughan thought the intention of this policy was to not have a backroom business. The purpose of having an exterior door requirement is so a business does not run out of the back of a gas station or something like that.

Mayor Roe indicated he was comfortable with the language as is but wanted to have the conversation in case there was a concern on the part of the Council as to how that might work and/or concern on the part of staff as to how to enforce it.

Councilmember Willmus stated the way he would look at it, for example, Rosedale and entering the mall, which is really a common area, not unlike a common area of a condominium. He did not share the same concern that Mayor Roe is putting forward.

Mayor Roe asked if Councilmember Willmus thought with the ordinance as written, a person could have a storefront business in Rosedale as long as it had a door to the common area.

Councilmember Willmus indicated that was his thought.

Mayor Roe stated if that is the case, he wondered if that is how it would be enforced by those who are tasked with enforcing it or does the Council need to be more specific.

Councilmember Groff indicated usually he would think of that as a common space as Councilmember Willmus was saying and the actual rented space is the part that is within their store. He thought the question of enforcement was a different one and the Council must be sure it is clear enough now, because in ten or fifteen years, most of the Council and staff will probably not be in charge.

Mayor Roe thought one way to avoid the back-room concept is to say, "accessible from a public space via a door".

City Attorney Gaughan indicated he did not want to get too involved in this but if a shopping mall is an area that the Council wishes to be permitted, then the wording can be specific. He explained on line 89 it could state "is accessible by the public only by an exterior door. An entrance to common areas of shopping malls shall constitute an exterior door".

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Mayor Roe thought that would accomplish that issue.

Councilmember Etten appreciated that language and would support it. He noted it was mentioned that the door would not just be an open door so he wondered if the Attorney is specifying that the door must be closed.

Mayor Roe indicated this is not a doorway, it is a door and to him a door is an operable thing that closes.

Councilmember Etten indicated in most malls that is not true.

Mayor Roe explained the business will need to put one in then if the business wants to have a store in the mall. That is the way he would interpret it. He noted the question is how restrictive the City wants to be in this. Right now, it appears to be fairly restrictive in the sense that this type of business cannot be in a shopping center that does not have exterior access immediately from the storefront. He indicated the Council also should decide the number of licenses that should be allowed in the City. He believed there are currently twelve liquor store licenses available and/or occupied.

Mr. Trudgeon indicated that currently, ten liquor store licenses are allowed in the City.

Mayor Roe indicated there are currently four age restricted tobacco store licenses in the City. To him, these products seemed a less like tobacco than alcohol and he did not think these were as bad for the health of individuals as potentially alcohol is. He thought maybe there should be ten licenses to start.

Councilmember Groff agreed ten sounds logical and this can always be reviewed in the future.

Councilmember Etten indicated he would be comfortable with ten.

Councilmember Strahan indicated she would like to have no more than ten at this point and did not mind erring on the side of something less as City Attorney Gaughan has mentioned that it is quite likely the City will see a significant alteration or amendment as they approach the next legislative session. She did not want to create too many different layers and thought a maximum of ten is a good starting point. She wanted to note regarding the exterior door piece, in thinking about how it is approached by the tobacco and liquor stores, which are also age restricted to twenty-one. She noted the City is not allowed to have a liquor store in the mall unless it is age restricted.

Mr. Trudgeon indicated he was not sure it is a specific restriction, but the business must meet the regulations governing it, meaning a separate entrance. Most stores

do have a separate entrance into the liquor store that is different and walled off from the rest of the store so to the extent that a mall would do that, and space would be available with an exterior entrance somehow.

Councilmember Strahan indicated she would be more comfortable with a consistency between those items rather than create a different definition for this purpose only, especially since they do not know what the length of the whole thing will be a year from now given the State Legislature.

Mayor Roe asked if there were any other issues that needed to be brought up before consideration of the ordinance.

There were no additional comments from the City Council.

Strahan moved, Groff seconded, enactment of Ordinance No. 1621 entitled, "An Ordinance Adding Chapter 316, Tetrahydrocannabinol (THC) Products. Including eight establishments with an exterior door servicing such as the City's tobacco establishments.

### **Council Discussion**

Councilmember Strahan explained it is always easier to add licenses than to take away. This way Code Enforcement can give the City Council an indication of where things are at.

Councilmember Willmus asked for clarification on the wording for the exterior door.

City Attorney Gaughan read the suggested language he brought up earlier in the meeting.

Councilmember Willmus asked if the Councilmembers making the motion would be amenable to a friendly amendment to this.

Councilmember Strahan indicated she would not be open to an amendment at this time.

Councilmember Etten indicated he was going to support this motion as it is right now.

### **Roll Call**

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

**Nays:** None.

Willmus moved, Etten seconded, enactment of Ordinance Summary No. 1621 entitled, "An Ordinance Creating a New Chapter 316 to the Roseville City Code, Tetrahydrocannabinol (THC) Products.

Mayor Roe clarified that the intent is to include business to business transactions in Section 316.10.

**Roll Call (Super Majority Required)**

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

**Nays:** None.

**b. Review Proposed Changes to the Fee Schedule for 2023**

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated November 7, 2022.

Councilmember Strahan noted a couple of discrepancies for clarification. She saw the per hydrant fee at \$75 in one location and at \$70 in another location. She thought this appeared to be the same thing.

Mayor Roe thought one was Public Works and one was Fire Department.

Councilmember Strahan indicated it states private hydrant inspection, public works and the other is private general.

Councilmember Etten believed Councilmember Strahan was correct.

Councilmember Strahan indicated the other thing was fireworks use possession sale is \$250 under administrative fines and then there is a fee for fireworks sales/retail \$100. She thought it was a little unclear about who is being charged what and she was not sure if these were consistent.

Mr. Trudgeon indicated the fireworks sale is for the people who sell fireworks in tents. The first one referenced is probably an administrative fine for people shooting off illegal fireworks where the Police Department could site them for.

Councilmember Strahan explained it shows in the information it says fireworks use, possession or sale.

City Attorney Gaughan explained that is for possession of an unlawful firework.

Councilmember Strahan indicated she was curious about the hotel nuisance fee and where that is in the schedule.

Mr. Trudgeon indicated it is in the ordinance, but he was not sure if it is listed in the schedule. He noted it is something that can be added to the fee schedule as well.

Councilmember Strahan thought it might be listed later in the schedule under Administrative Fines.

Mayor Roe indicated on the wireless tower structure, he wondered if that is a lease application fee.

Assistant Public Works Director/City Engineer Jesse Freihammer explained the City does have individual lease agreements with multiple companies, this is more for the equipment.

Mayor Roe indicated on the connection fees the City is getting rid of, that is because the City is not actually doing the work of making the connection as it is being done by private contractors.

Mr. Freihammer indicated that was correct. He stated staff removed this from the ordinance a couple of years ago but did not pull it out of the fee schedule. The City still has fees to do the inspection.

Mayor Roe noted if there are not any further questions for staff, this will be back before the City Council as a part of the general financial matters consideration at the meeting in December.

### **Public Comment**

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

**c. Discussion of the 2023 Utility Rates**

Finance Director Michelle Pietrick briefly highlighted this item as detailed in the Request for Council Action and related attachments dated November 7, 2022.

Mayor Roe asked for clarification on the water fund, noting it shows a nine percent increase, and he wondered if that is an increase to the usage fees or to the base fee or both.

Ms. Pietrick indicated the nine percent is the increase that the City is being charged by St. Paul Regional Water and the City has an eight percent increase on the usage and base fees.

Councilmember Etten asked if the water increase reflect any reduction based on the Council's decision on recovering the under charged accounts from 2021-2022.

Ms. Pietrick indicated it does not for next year, the 2023 rates, because water is really driven by that increase in St. Paul Regional Water. Staff has been analyzing

the recovery and should be able to reduce future years. That is based on how much St. Paul increases the water charges to Roseville.

Councilmember Etten explained it was his understanding that there was an amount budgeted to help with the recovery of dollars that would not have happened if the Council did not take the action that was requested at the last meeting. Somehow, he thought there was an extra amount budgeted for the 2023 rates that the City would not need unless staff is identifying a different need between these two meetings.

Ms. Pietrick explained what was factored into the utility rate study was the top ten commercial accounts assuming the City would recover them in one lump sum. What the Council decided was to offer the option of spreading the costs over four quarters so the underbilling primarily will not be received until the end of 2023, as the majority of residential and commercial will be spread out over four quarters. That is why staff did not make the adjustments to rates for 2023.

Councilmember Strahan asked if Ms. Pietrick could explain how someone qualifies to be a part of this low-income discount on the sewer. She did not think there was an equivalent on the water base rate.

Ms. Pietrick explained there used to be a low-income discount on the water but when the City did a study two years ago, the consumption rates were set below the discounted rate which is why there is not a discounted rate on the water. It is based on residents receiving assistance through other Governmental entities and based on income. The City website details out what those qualifications are.

Councilmember Strahan asked for clarification on the Maplewood sewer accounts and the difference in costs, what that means.

Ms. Pietrick indicated there are some accounts that are hooked up to Roseville water but are on Maplewood sewer or vice versa. She explained for this, Maplewood gives Roseville the rates to charge. She noted she will get more information on this for the City Council.

Mayor Roe noted on the sewer base fee discount opportunity, the City does not have its own application program and people do not demonstrate any of their qualifications to the City. It is just showing that they are receiving benefits through another entity so the City does not need City staff do all of the checks. He indicated that was very intentional on the part of the City when that was set up.

Mayor Roe indicated this item will come back to the Council at the first meeting in December.

- d. Consider Declaring Juneteenth Day (June 19) as a City Holiday**



City Manager Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated November 7, 2022.

### **Public Comment**

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

Etten moved, Strahan seconded, adoption of Resolution No. 11946 entitled, "Resolution Establishing Juneteenth Day as a City Holiday."

### **Council Discussion**

Councilmember Etten appreciated staff bringing this idea forward. He thought it was important to note this is not just recognition of this singular event but a larger piece of the history of the collective Country.

Councilmember Strahan thanked staff for bringing this forward, noting it is an extension of the work the City partnered with this summer to hold the Juneteenth event that was very successful. She hoped it was a sign of the City's continued commitment to show that as a collective organization and community this is an important piece of history that everyone needs to be aware of and use to build upon for the future.

Councilmember Groff added that this is an opportunity for an educational moment. It is amazing to him that this went on for so many years and how much of the population does not even realize what Juneteenth is about.

### **Roll Call**

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

**Nays:** None

e. **Consider Adoption of 2023 City Council and Economic Development Authority Calendar**

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated November 7, 2022.

Mayor Roe asked if it was consistent with past practice to schedule a meeting during the Roseville and Mounds View school district spring breaks. City Manager Trudgeon indicated that was consistent.

Strahan moved, Groff seconded, approval of the 2023 City Council and EDA Meeting Calendar.

### **Roll Call**

**Ayes:** Groff, Willmus, Strahan, Etten, and Roe.  
**Nays:** None

**8. Council Direction on Councilmember Initiated Agenda Items**

**9. Approve Minutes**

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

**a. Approve October 17, 2022 City Council Meeting Minutes**

Strahan moved, Willmus seconded, approval of the October 17, 2022 City Council Meeting Minutes as amended.

**Corrections:**

- **Page 1, Line 50 (Councilmember Etten)**  
Strike his name from the roll call and voting.

**Roll Call**

**Ayes:** Groff, Willmus, Strahan, and Roe.  
**Nays:** None.  
**Abstain:** Etten

**b. Approve October 24, 2022 City Council Meeting Minutes**

Groff moved, Etten seconded, approval of the October 24, 2022 City Council Meeting Minutes as presented.

**Roll Call**

**Ayes:** Groff, Strahan, Etten, and Roe.  
**Nays:** None.  
**Abstain:** Willmus

**10. Approve Consent Agenda**

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated November 7, 2022 and related attachments.

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

**Roll Call**

**Ayes:** Groff, Willmus, Strahan, Etten, and Roe.  
**Nays:** None.

**a. Approve Payments**

ACH Payments	\$368,187.10
104951-105072	898,838.88
<b>TOTAL</b>	<b>\$1,267,025.93</b>

- b. **Receive City Grant Applications Update**
  - c. **Approve Final Payment for County Road B Watermain Improvements. Resolution No. 11944**
  - d. **Certify Unpaid Utility and Other Charges to the Property Tax Rolls. Resolution No. 11945**
  - e. **Approve 2022-23 Toward Zero Deaths (TZD) Agreement**
  - f. **Approve Ramsey County Violent Crime Enforcement Team Agreement**
11. **Future Agenda Review, Communications, Reports, and Announcements – Council and City Manager**

City Manager Patrick Trudgeon reviewed the November 16, 2022 City Council, November 28, 2022 City Council meeting and the December 5, 2022 City Council meeting. He noted to disregard the November 16, 2022 meeting agenda due to conflict of interest by some Councilmembers so a new meeting will be scheduled for the Canvass General Election Results item.

Mayor Roe reminded everyone to go out to vote on Tuesday, November 8<sup>th</sup>.

12. **Adjourn:**

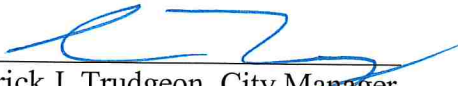
Willmus moved, Etten seconded adjournment of the meeting at approximately 8:09 p.m.

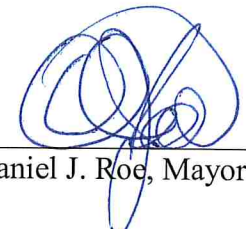
**Roll Call**

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

**Nays:** None.

ATTEST:

  
Patrick J. Trudgeon, City Manager

  
Daniel J. Roe, Mayor