



**Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, September 15, 2014**

1. Roll Call

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

2. Approve Agenda

McGehee moved, Etten seconded approval of the agenda as presented.

Roll Call

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

Nays: None.

3. Public Comment

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

4. Council Communications, Reports, and Announcements

Mayor Roe reviewed upcoming meetings rescheduled; along with this week's meeting schedule. Mayor Roe also provided information about the upcoming Roseville Volunteer Marketplace and HRA-sponsored "Minnesota Gardening Year Round."

Councilmember Willmus reported that last week he had the opportunity to tour the Eureka Recycling facility with some of the Public Works, Environment and Transportation Commission members and encouraged other Councilmembers to schedule a tour as well, opining that it was very interesting.

Mayor Roe thanked those who assisted with and/or attended the annual Wild Rice Festival at the Harriet Alexander Nature Center last weekend; with Councilmembers Willmus and Etten reporting on the successful event and great turnout in attendance.

Councilmember Laliberte announced the League of Women Voters annual meeting Tuesday at 7:00 p.m. to be held at the OVAL, with a review of the GreenStep Cities Program.

5. Recognitions, Donations and Communications

6. Approve Minutes

7. Approve Consent Agenda

8. Consider Items Removed from Consent

9. General Ordinances for Adoption

10. Presentations

11. Public Hearings

12. Budget Items

13. Business Items (Action Items)

14. Business Items – Presentations/Discussions

a. Concept Plan Review of Redevelopment Proposal by Cities Edge Architects for the Old Dominion Property

Community Development Director Paul Bilotta and City Planner Thomas Paschke were present to introduce developers and prompt discussions with the City Council on review of a concept plan for a redevelopment proposal by Cities Edge Architects for the Old Dominion Property, as well as the adjacent Xtra Lease site in the Twin Lakes Redevelopment Area.

Mr. Bilotta noted that this involved the parcels around the Metropolitan Transit Park & Ride facility north of WalMart. Mr. Bilotta advised that two different developers were working on those respective parcels; and staff had asked that those developers coordinate their work; with the current status now at the concept plan review stage. Mr. Bilotta clarified that this was not an informational meeting, nor a formal public hearing, which would be happening later in the process, but a preliminary look by the City Council and public before that more formal process, when things are still fluid and easier to revise, when approximately designed at the 30% stage.

Mr. Bilotta displayed a plan of the area, proposed to include two hotels, a small grocer of approximately 17,000 square feet, and a strip mall, with interconnected parking lots and massing of the buildings on the outside of the site, in line with the regulating plan. Mr. Bilotta advised that there remained some issues still under discussion for resolution between the developers and staff regarding access points, particularly on Twin Lakes Parkway where the proposed access point may interfere with existing best management practices (BMP's) for storm water management; as well as some issues on Cleveland Avenue pending further discussion and resolution with Ramsey County. Mr. Bilotta advised that actual tenants are still pending, but this presentation provided developers the opportunity for the Council and public to have a first look and be aware of intents. Mr. Bilotta reiterated that this was not a public hearing, and no notices had been sent, but this served as an additional presentation for the purpose of community awareness, and for the City Council to provide their initial input on the proposals.

Mark Krogh, with Java Properties

Mr. Krogh advised that, while under a non-disclosure agreement with potential tenants, he could talk about the project in general. Mr. Krogh noted that development firm had a strong Letter of Intent from two grocers, and one pharmacy, and while still in negotiations, he anticipated a decision within the next 2-3 weeks. Mr. Krogh stated that the retail strip could be shrunk if necessary, but the Letter of Intent was for between 10,000 and 11,000 square feet. While development remains in the early stages, Mr. Krogh advised that the site has already received a clean environmental report, both for Phases I and II, and bids had gone out seeking a civil engineer. As soon as the grocer had been confirmed, Mr. Krogh advised that they would begin the formal process with the Planning Commission and City Council, with informational and public hearings. Regarding additional potential tenants, Mr. Krogh advised that interest and/or Letters of Intent had been received from a hair salon, casual burger restaurant, dentist, and sandwich shop, all standard and typical tenants for this type of strip retail projects.

Kevin Hanson, Cities Edge Architects (north lot for hotel side development)

As a local Minnesota developer with Torgerson Hospitality, Mr. Hanson reviewed other properties around the metropolitan area, as part of their 30-40 properties total. Mr. Hanson advised that Torgerson Hospitality was a long-term investor in their properties, remaining owners over their 40-plus year history in the industry.

Specific to the site itself, Mr. Hanson advised that they were somewhat ahead of the Java developments, with agreements already in place for a Hampton Inn (Hilton property) and a second motel, Home2 Suites, an extended stay property geared for the business traveler and for longer stays versus the Hampton Inn's typical transient business travelers.

Mr. Hanson displayed the design characteristics of the Home2 Suites and noted that the type of exterior materials typically used on their prototype buildings were still in the discussion stages with staff based on franchise requirements, usually Hardy plank siding, not currently specified as an approved material on the list of city code regulations. As a point of reference, Mr. Hanson noted that the recently constructed County Inn & Suites building in Roseville had the same exterior product. However, Mr. Hanson noted they continued to work with staff on finalizing those materials.

Mr. Hanson also displayed a rendering of a similar Hampton Inn to that proposed in Roseville, this one constructed in Bloomington, MN with a similar format. Mr. Hanson advised that they would continue to tweak development to get more articulation per the zoning during the process, but he foresaw no significant issues.

Mr. Hanson advised that his firm was seeking an Environmental Assessment Worksheet (EAW) waiver for this project, noting that a Phase I Environmental Assessment had already been completed by Torgerson, and a full Phase I and II completed in the immediate past. Mr. Hanson advised that the current Phase I stated that no more site remediation was needed, therefore creating their waiver request and based on time constraints as they sought to bid the project the first of the year and be in the ground in the spring of 2015.

Mr. Krogh concurred with the time constraints, seeking to be in the ground in early 2015 as well.

Mr. Hanson opined that it would be a beneficial arrangement for both developers and synergies with retail and the hotel projects to work together. Mr. Hanson noted that the entryway off Cleveland Avenue was important to their project, and committed to working with staff and Ramsey County to address the important issues for the community and the project with accessibility, parking and visibility.

Mayor Roe recognized and reiterated, for the benefit of the public, that this concept plan review, similar to Planned Unit Development sketch plans presented before the Planning Commission for past projects, provided a good opportunity for early feedback, but did not preclude the required open house and public hearing process before the Planning Commission and/or City Council.

Councilmember Input

Councilmember McGehee observed a big absence of green space and a large impact with impervious surfaces. While seeing the inclusion of pathways, something greatly desired in this area to provide interconnectivity, Councilmember McGehee stated that the proposed parking lots seemed to have little access across them, and she would prefer to see more green in the parking lots and even between the hotels, as well as a pathway for pedestrians that looked less forbidding than the current concept with only a little green shown around the edge. In addressing issues of tree trenches and water, Councilmember McGehee opined that it would be nice if the developer considered installation of a ribbon curb or trenching/banking to ensure the longevity of trees.

At the request of Councilmember Willmus, Mr. Bilotta advised that staff had not yet reviewed the percentage of green space for the project, but in his initial review of the maximums in parking, he anticipated the 7-8 spaces per 1,000 square feet would exceed the maximum, and may require the addition of a small parking structure of some type, but would depend on parking on the whole, with the impervious surface allowed in this type of use at 85%.

Mayor Roe echoed the comments of Councilmember McGehee related to connectivity for pedestrians, especially with the amenity of a grocery store for the hotels, to make sure to include an intentional effort to make pedestrian connections to en-

sure pedestrians felt safe walking through the parking lots. While it is part of code, Mayor Roe opined it was important in this area. Mayor Roe also asked that the developer and staff make sure to indicate a four-sided building, to ensure passersby were not observing an obvious back side of the strip mall.

Mr. Bilotta responded that staff had addressed pedestrian interconnectivity between access points on the north of the strip mall for the retail/grocery uses; taking into consideration the potential cut around for lights and potential for making a convoluted situation for access points that may provide a greater opportunity for more green space. If approved by Ramsey County, Mr. Bilotta opined that the access on Cleveland Avenue may actually be moved further north.

Mayor Roe opined that made sense.

Councilmember McGehee noted her observation of some residential neighborhoods in St. Paul using centers two blocks apart, not roundabouts, but requiring traffic to slow down around the edge with green space in the middle, and definitely a traffic calming effect.

At the request of Councilmember Willmus regarding southbound traffic on Cleveland Avenue for a left turn, Mr. Bilotta advised that staff was recommending a requirement for a traffic analysis in this area, especially with the amount of traffic already on County Road C. Mr. Bilotta advised that this would fall under the EAW discussion to follow, and if the City Council agreed to an EAW waiver, there would be elements of that review to pull out and still require as part of the project, including a traffic study. Given all that is happening in this area with Cleveland Avenue and the interchange, Mr. Bilotta opined that he expected Ramsey County to require a traffic study as part of their approval, which would mean several steps to be followed to achieve that.

Mayor Roe questioned if the Twin Lakes Parkway BMP issues were related to the entrance's current location and whether it would need to be shifted, or if BMP issue was along the entire area.

Mr. Bilotta responded that it was along the entire area, with the City's Engineering Department expressing concerns about potential backing onto Cleveland Avenue, and not encouraging that process, even though it made it easy to come from the east on Twin Lakes Parkway. Mr. Bilotta advised that staff was attempting to bring traffic out on the highway and Cleveland Avenue versus Fairview Avenue and Twin Lakes Parkway.

In conclusion, Mayor Roe stated that he didn't sense a lot of negativity from individual Councilmembers, simply pursuing steps with staff to reach agreement.

Councilmember Willmus expressed his intrigue with the square footage of the potential grocery stores.

Mayor Roe stated that he continually heard from residents their desire to have the restaurant options in Roseville more unique and not so much of a chain store; and suggested the developer could score some points with the public if that was the type of offering they were pursuing, with the community looking for something different in Roseville.

Mayor Roe reminded staff that the City had a purchase obligation specific to the Xtra Lease property, and opined that this project could relieve the City of that obligation.”

b. Discussion Regarding the Treatment of Non-Conforming Uses (Particularly in the Twin Lakes Area)

Mr. Bilotta reviewed options for the City Council’s consideration of this discussion regarding the treatment of non-conforming uses, particularly in the Twin Lakes Redevelopment Area, as detailed in the Request for Council Action (RCA) dated September 15, 2014. Mr. Bilotta noted part of that discussion was more general in nature, while some of the discussion was related specifically to the Vogel Sheetmetal parcel; and asked the City Council for their preference in how to move forward. As outlined in the RCA, Mr. Bilotta noted the differences in State Statute regarding nonconforming use controls, and those based on City Council policy. Under the City’s policy, Mr. Bilotta noted that the Interim Use could be used for nonconforming uses, but had a local limitation of five years, and if the City wanted more flexibility it could look at code amendments accordingly.

Councilmember McGehee opined that she heard many more complaints in the City’s use of Conditional Use Permits versus Interim Uses in terms of enforcement and longevity of a CUP and lack of ability to change it as the surroundings or environment change, since the CUP runs with the land. Councilmember McGehee stated that her personal preference would be to favor a change for an Interim Use that provided more flexibility beyond the five years; but otherwise she was perfectly happy with how it was handled, and stated she was not concerned with nonconforming uses and how handled, if a 10-20 year Interim Use was available providing different requirements for screening and exterior situations.

Councilmember Willmus expressed his agreement and disagreement in part with Councilmember McGehee’s preference. Since the Conditional Use becomes a part of the property title and ran with the land, Councilmember Willmus agreed it can become an issue in some instances. However, Councilmember Willmus opined that leaving the five year timeframe for Interim Uses offered some value and protection particularly if those uses were abutting less-intensive uses (e.g. commercial abutting residential). Councilmember Willmus opined that the five year check-back was a valuable tool and provided some leverage if there were

ongoing issues to make sure they were remedied. Councilmember Willmus questioned if he would be comfortable with a 20 year Interim Use, while he could consider a ten year term, unless abutting residential properties, since that was where the real conflict occurred from his perspective. Councilmember Willmus referenced a past Interim Use for the former Woof Room location, abutting a residential neighborhood, and how contentious that had become. Councilmember Willmus opined that it depended on where Interim Uses were used, which would determine his consideration of a five or ten year, or longer, term.

Mr. Bilotta suggested if a longer term was considered by the City Council, granting an Interim Use for a certain period of time should be based on the particular situation, not a generic timeframe, and determined on a case by case basis. Mr. Bilotta suggested having some flexibility depending on the situation, making it less about policy versus removing the handcuffs to allow greater flexibility.

Mayor Roe opined that the term allowed flexibility as far as zoning and nonconforming uses, noting that if commercial use and zoning had moved toward future residential uses, he would be less eager to grant a long-term Interim Use, depending on the viability of the particular business and its impact to the surrounding area, each which would make a difference. Mayor Roe noted this relates to the discussion held on the Commercial Mixed Use (CMU) zoning as well, with the desire for more flexibility and allowing different possibilities and fewer restrictions. Mayor Roe opined that the advantage of that is that uses could be set up as conditional in some instances, while permitted uses in other instances, since what may or may not be good adjacent to one use may be more amenable to others. Specific to the Terrace Drive issue, Mayor Roe noted that it had been recently rezoned to High Density Residential (HDR) which really limited uses, and the rationale in granting the Interim Use for Vogel Sheetmetal for five years in that instance. If that wasn't the zoning for that particular area, Mayor Roe noted that there would be a different issue. Mayor Roe concurred with Councilmember McGehee's comment that things were improving and getting closer to the desired outcome, provided the turnover in multi-use buildings could still be addressed, and the use didn't intensify on the site away from intended zoning. Mayor Roe spoke to the need to retain good tools in addressing those sites.

Councilmember Etten concurred with the comments of Mayor Roe, and his support for not kicking people out of a successful business unless a significant situation or problem was in evidence. Councilmember Etten stated that he agreed with the positives in using a longer term Interim Use to allow more flexibility, and changing City Code accordingly. However, Councilmember Etten questioned if a business would prefer a Conditional Use to ensure greater permanence for their business, and asked Mr. Bilotta for his impression of that preference.

Mr. Bilotta responded that it would depend on whether the choice was between an Interim or Conditional Use, or if the choice was between a Conditional Use or not

being allowed at all, obviously then indicating a preference for a Conditional Use. Regarding the current zoning of the Vogel Sheetmetal property, and their proposed new use, as well as with other situations, Mr. Bilotta noted that rezoning should or could also be a consideration. While it was preferable to have the zoning work for proposed uses ultimately for most business uses versus the need for an Interim Use, Mr. Bilotta noted that it provided two different situations, one of which was providing fluidity in the Twin Lakes area as the City Council continued to work its way to resolution of zoning issues and permitted or conditional uses.

Councilmember McGehee noted the need for flexibility, and her personal interest in having the ability to make changes, whether through Interim Uses or zoning, particularly in those areas abutting residential properties and the need to correct negative situations through some option. While zoning can be changes, even though the process was more lengthy and cumbersome, Councilmember McGehee noted that a Conditional Use remained in place as a nonconforming use, whether or not the zoning was changed. Therefore, Councilmember McGehee expressed her preference for an Interim Use versus a Conditional Use.

Councilmember Willmus stated that he looked at an Interim Use as temporary versus what was desired long-term for the City, and rather than pushing it off continuously, it could be closely tied with a Conditional Use and nonconforming uses. Councilmember Willmus opined that the City Council owed some due diligence for considering the City's future vision based on the long-term Comprehensive Plan guidelines, and not be placed in situations where it was continually setting aside that long-term vision.

Mayor Roe opined that a Conditional Use shouldn't be the way to consider a nonconforming use; and while it was fine to put it there, there were conditions applied, otherwise it would be a permitted use. However, by applying conditions due to certain circumstances, Mayor Roe stated that this served the purpose. Mayor Roe stated that he didn't have a problem with a Conditional Use going with the land as long as it continued to meet those conditions, be forced to come into compliance, or shut down due to noncompliance.

Mr. Bilotta clarified that Conditional Uses and nonconforming uses overlapped and while a use may be inappropriate, if it was held to a certain scale or conditions, it allowed the City to broaden uses in a particular zone (e.g. Terrace Drive). Mr. Bilotta noted that this permitted uses with conditions, while not legalizing things preferred to be totally gone in the future as part of the long-term vision.

Councilmember McGehee opined that she wasn't tied to the twenty year timeframe.

Mayor Roe clarified that the discussion was to remove the limit.

Councilmember McGehee stated that she had no problem in using a Conditional Use for certain uses within limits, when she could not foresee any problems (e.g. environmental or traffic), but referenced past Conditional Uses for nonconformities that may not be desirable long-term; opining that this was a distinction she wanted clear.

Councilmember Willmus suggested one distinction may be that of an asphalt plant use.

Vogel Property

Specific to the Vogel Sheetmetal property, Mr. Bilotta and Mayor Roe noted the sense of urgency for the property owner for City Council guidance due to the requirements of their lending agency.

For the benefit of the public, and review of the City Council, Mr. Bilotta reviewed the issuance in the recent past by the City Council of a five year Interim Use for Vogel Sheetmetal, anticipating rezoning to CMU, which had yet to happen. Mr. Bilotta advised that before their lender agreed to a loan for improvements on the property, they were balking at doing so under an Interim Use due to its short term nature, stating it was insufficient for loan approval. As far as the City is concerned, Mr. Bilotta advised that they were fine with having granted the Interim Use, but it was simply an issue between the company and their lender; and were therefore asking the City for avenues they should take or what they could do to satisfy the conditions of their lender. Mr. Bilotta noted that there were a range of things that could be done, including revising the Interim Use and its term, or rezoning, along with other options that may satisfy the lender. However, before pursuing any of those options, Mr. Bilotta advised that staff and the company wanted to come before the City Council for their feedback. Mr. Bilotta further advised that the company had the ability to submit an application for rezoning and a comprehensive plan amendment, while the City Council had no obligation to grant either, especially pursuit of a comprehensive plan amendment, and therefore sought the City Council's policy direction to save time if they were not amenable to do so, at which time other options could be considered.

At the request of Mayor Roe, Mr. Bilotta reviewed the process previously initiated to rezone the area north of Terrace Drive from HDR to CMU, which had gone before the Planning Commission at a public hearing, and subsequently recommended by that body to the City Council for approval, but had been tabled at the City Council level.

From his personal point of view, Mayor Roe referenced his comments at the end of the previous discussion: if projects come forward for a use in the CMU zone or requesting rezoning to CMU, it made sense to him to get language in code that a regulating plan was needed, which needed to be initiated by that party and get the

regulating plan process in place. Mayor Roe noted that this also fell into the next discussion, not necessarily the Cunningham plan, but going through all the steps or three legs of the stool and involving the neighborhood, developer, and City, as the most obvious way to get things done.

Recognizing that things addressing green space and connectivity were already in code, Councilmember McGehee expressed her advocacy for submission of a preliminary sketch plan and working with staff to tweak that plan. Councilmember McGehee asked staff how or what they envisioned beyond what was already in place in terms of design standards.

Mayor Roe clarified that those design standards weren't really in place.

Mr. Bilotta noted that the discussion had rolled into the next agenda item, but suggested continuing, since the Vogel Sheetmetal issue had other pieces to it as part of this discussion as well.

In addressing regulating plans, Mr. Bilotta noted that those plans also affect design, with materials and other considerations usually considered separately. Specific to a regulating plan as it applied to Terrace Drive and the Vogel Sheetmetal use, Mr. Bilotta advised that the plan would control intensity. As an example, Mr. Bilotta addressed previous discussions in the past related to sub-districts within a CMU district, since there was no height limitation in most of the CMU district. While a lack of height limits may not be problematic in the Cleveland Avenue area adjacent to an elevated highway, with no problem in allowing a 12-15 story building, Mr. Bilotta noted that along Terrace Drive it was a different situation when abutting residential properties. Mr. Bilotta noted the differences in the north and south side of Terrace Drive, and while allowing the same types of uses, restrictions could be applied for characteristics from one versus the other. Mr. Bilotta also referenced the Fairview Avenue area, which currently was close to showing an existing pattern with walkable mixed use, but with commercial uses on the west side of County Road C, with the right projects it could have a very different feel than Cleveland Avenue.

Mr. Bilotta noted that a regulating plan would address those various pieces, and advised that staff could get into those descriptors in as detailed a manner as desired by the City Council. Mr. Bilotta reviewed some of those issues, including height to massing, parking in front or at the rear, pedestrian connections and orientation, or trails. Mr. Bilotta advised that staff could provide those interpretations visually for more clarity versus narrative that may be up to interpretation, with staff's feedback on ways to address those issues in the private/public sectors that made the most sense.

Mr. Bilotta noted that the Terrace Drive area seemed to be primed for development at this time, with so far the only thing agreed upon is that the HDR zoning is

not desired by anyone, meaning the only thing currently allowed for development is not desired.

Mr. Bilotta suggested staff be directed to engage the public in a series of public meetings starting within the next three weeks in-house at the staff level, in an effort to provide guidance to the City Council; and for the other development area along County Road C, that developer use their consultants and finances to follow the same process in meeting with the neighbors to prepare a regulating plan or modify the Cunningham plan on the west side.

Mayor Roe clarified that the design standards referenced by Councilmember McGehee were provided in Chapter 1005.02 of City Code.

City Planner Thomas Paschke responded that the goal in developing that chapter of City Code was to eliminate regulating plans and adopt regional business standards and general requirements for the CMU District.

At the request of Mayor Roe, Mr. Paschke reviewed the options in extrapolating the Cunningham plan if adopted by reference, similar to an amended PUD.

Councilmember McGehee noted past discussions with Mr. Trudgeon and Mr. Paschke with the City Council related to subareas, with the City Council specifying the area around Langton Lake and the north side of Terrace Drive sees graduated intensity to provide protections.

Mayor Roe also recognized that past discussion; however, he clarified that those subzones were meant to deal with adjacent areas in other ways, while this discussion was different.

When the City Council initiated this discussion, Councilmember Willmus noted that it was changing HDR to CMU, with feedback heard provided by the business community and City Council before the neighborhood came forward in August seeking a voice in the process. Before moving forward and before any other changes are considered, Councilmember Willmus noted the vital need to hear from them and bring them into the process. Based on what he had heard to-date from the neighbors, Councilmember Willmus opined that he wasn't confident that CMU was the vision they had for their neighborhood, and before formal action by the City Council, those conversations needed to be part of the process.

Councilmember McGehee clarified that this was the proposal made by Mr. Bilotta for staff to initiate that discussion with the neighborhood over the next three weeks.

At the request of Mayor Roe, Mr. Bilotta advised that as long as the discussions were held in-house, staff required no formal action from the City Council; but if it

was determined that an outside consultant was required, they would return to the City Council for their authorization. Mr. Bilotta opined that, as long as the discussion was within the Terrace Drive area, and not further beyond to Cleveland Avenue, staff could handle the meeting process.

Mr. Bilotta and Mr. Paschke clarified that a regulating plan was required, but could be done by the City or the developer and created by area; and by consensus of the City Council agreed that a regulating plan developed by the private sector would be amendable to the City Council for consideration as well.

Regarding whether to use a regulatory plan or another option, Councilmember Etten opined that it seemed the regulatory plan allowed flexibility, and in previous discussion when considering creating subzones as applicable, another part of that discussion was to simply leave it open, providing enough nuance without changing all zoning. Councilmember Etten stated that he was in favor of the open zoning as long as it could be adjusted through a regulating plan.

Mr. Bilotta confirmed that a regulating plan allowed some flexibility, a graphic regulatory tool would address those pieces, including no build areas, future roadways, areas of lower intensity, different impervious surface percentages closer to the lake and other pieces.

Specific to the Interim Use discussion, Councilmember Laliberte agreed with Councilmember Willmus on the check-back option; questioning ramifications if that option was removed not only for this City Council but future Council's as well.

Mayor Roe suggested language could be included for that five year – or more – check-back or a statement related to renewal terms of an Interim Use.

Mr. Bilotta thanked the City Council for their input, and advised staff would proceed to the Planning Commission for their deliberation and subsequent recommendation to the City Council.

Councilmember Laliberte noted that the Metropolitan Council was still requiring cities to increase their housing density, and questioned if the City or Roseville would still be in compliance with this direction.

Councilmember Willmus noted that CMU could still include housing as part of that mix.

Mayor Roe clarified that the Metropolitan Council was not requiring housing density, but simply projecting it.

Mr. Paschke noted recent residential developments not yet identified by the Metropolitan Council, as well as several in the planning stages, that will provide credits for the City of Roseville in meeting those projections.

At approximately 7:06 p.m., Mayor Roe opened the discussion up to public comment related to these issues.

Public Comment

Vicky Boyer, Centennial Drive

Ms. Boyer expressed her appreciation of the City Council in hearing public comments, opining that it made her feel more comfortable with planning going forward with input from the neighborhood.

Mayor Roe thanked Ms. Boyer for her positive feedback regarding how the City Council was approaching this.

Lisa McCormick

Ms. McCormick sought clarification on her understanding on current City Code for the Vogel Interim Use for five years, with optional renewal(s), which was confirmed by Mayor Roe.

After listening to tonight's discussion, Ms. McCormick expressed some concern and asked for caution from the City Council in dealing with nonconforming uses. While appreciating looking at the overarching vision, Ms. McCormick asked if there was a process in place for the City to monitor tenants and potential turnover, to determine if a tenant will be intensifying a use.

Mr. Bilotta responded that as far as a formal process, this could become known through initiation of a building permit; and from a planning perspective, a formal review could be initiated as well for certain improvements. However, if a business steps into another space without any improvements, it was unlikely that the City would be aware of that beyond filing of complaints for potential noncompliance. Mr. Bilotta advised that staff was increasing their due diligence with property owners to make sure they alert City Hall of any increased intensity in uses from one tenant to another. In response to Ms. McCormick, Mr. Bilotta advised that expanding a nonconforming use would not be allowed and would not make it through a building permit process.

Ms. McCormick noted the e-mail she'd written the City Council earlier, and had no concerns beyond that, other than expressing her concerns with the next issue in considering waiving of EAW's.

David Vogel, Vogel Sheetmetal

Mr. Vogel clarified that his firm did need financing to move forward with their project, and made the City Council aware of new information received earlier to-

day from the Small Business Administration (SBA), that they would accept a twenty year Interim Use permit for funding.

Mayor Roe suggested Mr. Vogel provide that information to staff for their review.

Kathleen Erickson, 1790 Centennial Drive

While appreciating the financial situation of Vogel Sheetmetal, Ms. Erickson opined that such was the nature of doing business, for research and due diligence to know what they were facing. Ms. Erickson expressed concern with a twenty-year Interim Use permit that provided a blanket continuation, asking the neighbors to support that without any knowledge of the Vogel operations or their firm, but to simply trust that they'll be a good neighbor. However, without check-backs or ways to ensure compliance, Ms. Erickson noted past experience in the neighborhood with a previous business that applied for a building permit without waiting for its approval and proceeded with their improvements. Ms. Erickson noted that this significantly impacted the lives of the residential neighborhood, and sought protection in case the intent didn't live up to expectations, allowing some avenue to address those issues.

Mayor Roe clarified that any extension of the current five year Interim Use would come before the City Council and allow for public comment at that time.

Since the Vogel financing is now on the table with the SBA and can be discussed by the neighborhood group, Councilmember McGehee suggested the twenty-year option be discussed as a viable option for consideration and for the neighborhood to think about. As part of that discussion, Councilmember McGehee suggested the neighbors identify what additional protections they would require, in particular those properties immediately abutting Vogel; and any other conditions that would make them feel better as options. Councilmember McGehee opined that the City Council would be prepared to act favorably to address concerns of the neighbors, if agreeable with staff and the business owners.

Ms. Erickson asked the ramifications if the permit was a Conditional versus Interim Use.

For the benefit of Ms. Erickson and members of the audience, Mayor Roe clarified that the current permit was an Interim Use with conditions, and for a term of five years, with optional renewal.

Lisa McCormick

Ms. McCormick noted that the SBA information provided by Mr. Vogel was new to the neighborhood; and questioned the City Council's next steps in light of that new information.

Mr. Bilotta reviewed various options if Vogel chose to move down the twenty year Interim Use permit process:

- 1) Change City Code through a text amendment to allow that to occur, which would require public notice, a formal public hearing at the Planning Commission, and their subsequent recommendation to the City Council. If once adopted, that longer-term Interim use permit would become law per City Code.

At the request of Mayor Roe, Mr. Paschke confirmed that the text amendment regarding interim use lengths could be heard at the next Planning Commission meeting, scheduled for October 8, 2014, provided direction was received to allow for publication and mailing of notice by week-end.

Mr. Bilotta advised that if Vogel proceeded with that process, staff would need to think through additional conditions that may be different in the long-term than those currently applied to mitigate neighborhood concerns for that additional fifteen year period.

- 2) Specific to regulatory planning along Terrace Drive, both the north and south sides, with the extension west of Fairview to pick up the Sherman property and properties north of that, Mr. Bilotta reviewed the process for those properties, suggesting staff meet with the public, property owners, business owners, and any other interested parties to receive public input. Mr. Bilotta suggested this occur over the next three weeks depending on holiday schedules, intended as listening sessions for the purpose of hearing public comment. Following those meetings, Mr. Bilotta suggested a regulating plan could be developed for that area defining what could or could not occur in a CMU District. However, Mr. Bilotta noted that as a result of that planning exercise, the City Council may decide to rezone the area to something other than CMU that may require a regulating plan as well; or other zoning districts indicated for those areas or a part of those areas, or they could stay HDR, even though he didn't anticipate that happening. At that point in time, Mr. Bilotta advised that the neighborhood and property owners would have a good idea of why things are as they are, and key pieces would be identified, how they were defined in a plan, and an understanding of what impacted that decision making with all parties clearly heard. Mr. Bilotta opined this process would be good for the planning process for property owners and the neighborhood to understand the overall vision and plan.

At the request of Mayor Roe, Mr. Bilotta advised that there was no reason that both processes could not go on concurrently; but that the text amendment process would be pursued by staff no matter the results of the second process.

At the request of Ms. McCormick, Mr. Bilotta confirmed that the public hearing for the text amendment would be held at the October 8, 2014 Planning Commission meeting. Mr. Bilotta clarified that Vogel Sheetmetal could not apply for an extended Interim Use Permit until the text amendment was approved; and further that the Planning Commission could not make any recommendation regarding the length of an Interim Use Permit beyond what was contained in current code. Mr. Bilotta noted that the part that can proceed ahead of this proposed process is consideration of the text amendment, but not anything specifically related to the Vogel request for a longer-term Interim Use Permit; but would eventually work into that approval process with relevant information from the neighborhood meetings as proposed.

At the request of Mayor Roe, Mr. Bilotta advised that a CMU zoning request had been received by staff from Vogel Sheetmetal, but had not been formally reviewed by staff at this time.

In expressing his concern with a twenty-year Interim Use (IU) Permit, Councilmember Willmus asked for an explanation of the process staff would pursue even at five year increments if noncompliance was found.

Mr. Bilotta responded that, if it was found they were not meeting the conditions of the IU, the City had the ability to revoke it through a process to the City Council with evidence from staff of noncompliance and a subsequent determination, through a public hearing, to allow input from the property owner and community.

Councilmember Willmus questioned if this process would be prolonged with attorney involvement versus simply having a five year IU that could lapse without renewal, providing for no discussion and no debate. Councilmember Willmus noted his concern in the difference in a five year IU citywide versus a reactionary IU extended up to twenty years for one case or situation, especially when that situation was immediately abutting residential properties.

Mayor Roe noted tonight's discussion revolving around the text amendment was to address any future application that came forward.

Mr. Bilotta clarified that it may be that the City Council doesn't approve a particular IU beyond five years, but this text amendment allowed them the flexibility to do so at their discretion.

Councilmember Laliberte concurred with Councilmember Willmus; opining that in the course of daily business, she could not see the need for a twenty year CU beyond this issue; and no need to make a change based on one situation.

Mayor Roe further noted that, under the existing IU, if there was a change of zoning and the Vogel Sheetmetal operation became a permitted use under that rezoning, there would no longer be a need for an IU and it could lapse at that point.

Councilmember Willmus noted this assumed rezoning would be approved.

Mayor Roe noted that this is why it was written as a condition of the IU.

Councilmember Laliberte recognized the interest in going down both pathways; but expressed her preference for the touchback and renewal versus a blanker period of time; opining that a different City Council could take a more aggressive stand than this one, making her nervous.

Councilmember McGehee opined that she didn't find this specific to Vogel Sheetmetal; and with many things coming before the City Council that were reasonable, this provided lenders the ability to approve loans and make business opportunities possible. Councilmember McGehee opined that the City should have the flexibility but be able to decide on an individual basis without getting into legal situations.

Lisa McCormick

Ms. McCormick asked that, at some point, if the language included IU's for twenty years, language also include incremental five year check-backs be built into that approval.

Mr. Bilotta stated that staff would check into that to see if it was a possibility; however, he expressed his suspicion that it may be problematic for lenders.

Todd Cummings, 1800 County Road C-2

Mr. Cummings opined that from his perspective the Vogel acquisition and the entire process seemed disorganized. Mr. Cummings opined that he would expect a company to come forward fully prepared versus the City having to hold their hand and make things work for them without them performing their own due diligence beforehand. While being all for helping someone, Mr. Cummings opined that the firm should already have had these things in place already through their legal counsel and lenders; opining that this approach seemed amateur to him and shouldn't be happening at this stage or on this scale. While recognizing that the Vogel Sheetmetal firm may provide a great opportunity for everyone, Mr. Cummings expressed his frustration in the disorganized process.

With no one else coming to speak on this issue, Mayor Roe closed public comment at approximately 7:36 p.m.

c. Discussion Regarding Alterations to the Use of the Regulating Plan in the CMU District (Twin Lakes)

Previously discussed.

d. Discussion on Guidance for Waiving the Mandatory Environmental Assessment Worksheet (EAW) Requirement

Mr. Bilotta provided a history of this issue, as detailed in the RCA dated September 15, 2014 and the series of discussions held to-date. Mr. Bilotta noted the specific request for waiver of the EAW for the proposed developments. Mr. Bilotta clarified that this would be a waiver of only the city policy requiring discretionary EAW's, not the state mandated requirements or state thresholds statewide. Mr. Bilotta referenced EAW guidelines and website links for further information; and the differences between an EAW and an Environmental Impact Statement (EIS) in determining impacts of proposed developments (e.g. traffic generation, noise, hazardous waste, etc.).

Councilmember McGehee opined that this is not an onerous process beyond notice and time awaiting responses. Councilmember McGehee further opined that a traffic study was needed for this entire area; with her personal interest also in light generation and parking lot and noise standards. Councilmember McGehee stated that her greatest concern was with the Phase I and II specific to TCE, particularly with any of the proposed buildings to ensure they were constructed to avoid pylons accessing a TCE pocket allowing more TCE to get into the aquifer. While not having yet reviewed the 2012 Phase I and Phase II, Councilmember McGehee stated that those health and safety issues were her main concern, with the TCE pocket the most critical; otherwise she expressed her acceptance of a mandatory traffic study, with noise and light impacts for this particular piece. Councilmember McGehee advised that she would like the City Council to retain its ability to consider waiving an EAW on a case by case basis.

Mr. Bilotta advised that staff could steer applicants down the road for particular sites in the area if those were the main concerns of the remainder of individual Councilmembers.

Councilmember Willmus concurred with the comments of Mr. Bilotta.

Mayor Roe noted previous discussions for developer submission of a draft EAW, not a formal process, but something submitted in writing to the City highlighting potential issues beyond just traffic, for unforeseen uses not yet envisioned, but allowing the City to review those considerations.

At the request of Councilmember Etten, Mr. Bilotta advised that a typical formal EAW process required approximately six months, depending on the weather and seasons.

Councilmember Etten noted the suggestion of Mayor Roe for an informal EAW for the City's benefit could be done more quickly without as in-depth of a process

in support of an applicant's request for a waiver, calibrated on a case by case basis depending on the circumstances.

Mr. Bilotta advised that the City could stipulate the key pieces it was considering from an EAW and include that information as a requirement in a waiver process, requiring the developer to provide those items and demonstrate that there is no need to go further, much like the formal EAW demonstrating there was no need to proceed to an EIS, but allowing staff to know the hot button issues beforehand.

From a historical perspective, Councilmember McGehee agreed with Mr. Bilotta, with one addition from the Federal Fish and Wildlife concern that the area around Langton Lake and surrounding tree area serves as a flyway over Minneapolis for migratory birds, potentially impacting 140 migratory birds in that area. Councilmember McGehee opined that this particular development may not be a big issue, but as development got closer to Langton lake, enhancing that characteristic as part of the EAW or any waiver should be incorporated.

As requested by Mayor Roe, Mr. Bilotta noted incorporating a draft EAW as part of any waiver requirement, with that approval or denial at the discretion of the City Council on a case by case basis.

Recess

Mayor Roe recessed the meeting at approximately 7:43 p.m. and reconvened at approximately 7:47 p.m.

e. Presentation by the St. Paul Port Authority (SPPA) Regarding the SPPA's Programs to Support Private Sector Solar Energy Installations

Mr. Bilotta introduced a representative of the St. Paul Port Authority (SPPA), Mr. Peter Klein.

Mr. Klein reviewed the Port Authority's energy finance programs and almost seventy projects to-date, including one or more in the City of Roseville.

Through the information detailed in the RCA and attachments dated September 15, 2014, Mr. Klein reviewed other municipalities and jurisdictions using the SPPA as a resource and administering energy programs through a joint powers agreement to provide their expertise in efficiently and economically implementing energy savings projects, including solar installations.

Specific to the joint powers agreement, Mr. Klein advised that this would be a one-time action for St. Christopher's Church, and was cancellable at anytime, but allowing the SPPA to serve as the PACE OF MN program administrator on behalf of the church and their solar installation. Mr. Klein reviewed the special assessment process followed for each project and submission by the property owner to the city to the SPPA of those special assessments. While the church is not a property taxpayer, Mr. Klein noted that the PACE billing niche allowed places of wor-

ship or multi-tenant commercial buildings doing energy projects to allocate special assessments similar to real estate taxes.

Mr. Klein reviewed the joint powers agreements allowing that each project would need City Council approval.

At the request of Councilmember McGehee, Mr. Klein reviewed the SPPA's administrative fees of approximately .05%, ten year financing of projects, rebates, and special assessments at approximately 4.5%; housing options for four or more units, but not single family homes; and current legislative changes.

As an example, Mr. Klein noted that the City of Edina had originally managed their energy program, but had since decided to transfer that administration to the SPPA.

Mayor Roe clarified, and Mr. Klein confirmed, that the joint powers agreement served as an overarching agreement between agencies, revocable at any time, but the City Council still had approval rights on a case by case base per project to approve special assessments; and allowed the City the ability to use the experience and capabilities of the SPPA.

Etten moved, McGehee seconded, directing staff to negotiate a Joint Powers Agreement with the St. Paul Port Authority to present the Joint Powers Agreement for approval at a future City Council meeting.

Roll Call

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

Nays: None.

15. City Manager Future Agenda Review

16. Councilmember-Initiated Items for Future Meetings

Councilmember Willmus asked that the "Living at Home Block Nurse" program be included on a future agenda for discussion and input from Ms. Sara Barsel.

17. Adjourn

Willmus moved, Etten seconded adjournment of the meeting at approximately 8:05 p.m.

Roll Call

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

Nays: None.

Daniel J. Roe, Mayor

ATTEST:

Paul A Bilotta, Community Development Director