



**Regular City Council Meeting
Minutes**

**City Hall Council Chambers, 2660 Civic Center Drive
Monday, October 27, 2014**

1. Roll Call

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

2. Approve Agenda

Councilmember Willmus requested removal Items 7.g and 7.i from the Consent Agenda for separate consideration.

Councilmember McGehee requested removal of Items 7.c and 7.h from the Consent Agenda for separate consideration.

Mayor Roe requested removal of Item 7.e from the Consent Agenda for separate consideration.

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

Roll Call

Ayes: Willmus, Laliberte, Etten, McGehee, 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.

Mayor Roe recognized and welcomed Boy Scout Troop #254, as their Troop Leader spoke on behalf of the Troop, chartered at Peace Lutheran Church in Lauderdale, MN.

4. Council Communications, Reports, and Announcements

Mayor Roe announced an upcoming Natural Resource Presentation and Tour at 9:00 a.m. on Saturday, November 1, 2014 at the Acorn Park Shelter, with the focus on removing invasive and non-native plants from parks, and in advance of a planned restoration project at Acorn Park.

Mayor Roe announced upcoming events sponsored by the City: the HRA-hosted workshop for first time homebuyers at the Ramsey County Library-Roseville Branch (Community Room) on November 12, 2014 at 7:00 – 8:30 p.m.; and the next Coffee with a Cop at the Rosedale Caribou Coffee on November 5, 2014 from 9:30 – 11:00 am.

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Councilmember Laliberte reported that last week, she and Councilmember McGehee had both attended the Alzheimer's planning meeting, along with several City of Roseville staff members, which she was happy to see. Councilmember Laliberte noted the attendance by a lot of private enterprises and Roseville residents who participated in the open dialogue as planning was undertaken in prioritizing future grant funding. Councilmember Laliberte noted the next follow-up meeting of the group would be held on November 7, 2014.

Mayor Roe concurred that this was a great ongoing effort.

5. Recognitions, Donations and Communications

a. Recognize Outgoing HRA Member Kelly Quam

On behalf of the City Council, community and HRA, Mayor Roe recognized Kelly Quam for her years for service to the Roseville HRA, and noted that a certificate of appreciation would be sent to her by staff.

b. Proclaim National Native American Heritage Month

Mayor Roe read a proclamation declaring November 2014 at Native American Heritage Month in the City of Roseville, urging all citizens to join in appreciate for our rich and diverse community.

Etten moved, McGehee seconded, proclaiming November 2014 at Native American Heritage Month in the City of Roseville, urging all citizens to join in appreciate for our rich and diverse community.

Roll Call

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

Nays: None.

6. Approve Minutes

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

a. Approve Minutes of October 6, 2014 Meeting

Laliberte moved, McGehee seconded, approval of the Meeting Minutes of October 6, 2014 as presented.

Roll Call

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

Nays: None.

b. Approve Minutes of October 20, 2014 Meeting

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McGehee moved, Laliberte seconded, approval of the Meeting Minutes of October 20, 2014 as presented.

Roll Call

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

Nays: None.

7. Approve Consent Agenda

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

a. Approve Payments

Willmus moved, Laliberte seconded, approval of the following claims and payments as presented and detailed in the Request for Council Action (RCA) dated October 27, 2014, and attached check register.

ACH Payments	\$2,940,609.30
75346 – 75568	1,424,080.18
TOTAL	\$4,364,689.48

Roll Call

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

Nays: None.

b. Approve Business Licenses & Other Licenses & Permits

Willmus moved, Laliberte seconded, approval of business license applications for the period of one (1) year, unless otherwise noted, for applicants as listed in the RCA dated October 37, 2014.

Roll Call

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

Nays: None.

d. Order Feasibility Report for the Victoria Street Reconstruction Project

Willmus moved, Laliberte seconded, adoption of Resolution No.11184 (Attachment A) entitled, "Resolution Ordering Preparation of Feasibility Report for Victoria Street Reconstruction Project."

Roll Call

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

Nays: None.

f. Appoint Youth Commissioner to Parks & Recreation Commission

Willmus moved, Laliberte seconded, appointment of Teague Bogenholm to serve as a Youth Representative on the Parks & Recreation Commission for a term that expires July 31, 2015.

Roll Call

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

Nays: None.

j. Extend Contract for Waste Removal from City of Roseville Public Facilities

Willmus moved, Laliberte seconded, approval of a three year contract extension for waste removal from city facilities for the period of January 1, 2015 through December 31, 2017, with Nitti Sanitation Services in the amount of \$31,784.87 and \$9 per cubic yard for waste in excess of the amount described in the specifications.

Councilmember McGehee publically recognized the Public Works/Engineering Department for their efforts in negotiating the waste removal contract for public facilities (Consent Item j) and their attention to the wetlands in preliminary work for the 2015 Victoria Street Reconstruction Project (Consent Item d).

Roll Call

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

Nays: None.

8. Consider Items Removed from Consent

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

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed general purchases and sale of surplus items exceeding \$5,000, as detailed in the RCA dated October 27, 2014.

Councilmember McGehee questioned if the Liesche Associates, Inc. environmental assistance vendor fee for the Recreation Department should come from Park Renewal Funds versus the CIP as if was part of that program.

City Manager Trudgeon clarified that the funds were coming from the Parks Renewal Fund, with those CIP amounts included in the overall CIP.

McGehee moved, Etten seconded, approval of the submitted list of general purchases and contracts for services presented as follows; and as detailed in the RCA dated October 27, 2014; and Attachment A entitled, "2014 Capital Improvement Plan Summary – Updated 09/30/2014."

Department	Vendor	Description	Amount	Budget / CIP
Fire	Federal Signal	Replace Outdoor Warning Siren	\$13,135.00	Budget

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Fire	Ready Watt Electric	Install Outdoor Warning Siren	7,561.00	Budget
Recreation	Liesche Associates, Inc.	Environmental Assistance	5,300.00	CIP
Veh. Mtnce.	Winter Equipment, Inc.	New Snowplow Blades	8,300.00	Budget
Utilities	WonderWare Midwest	Software Upgrade for SCADA	18,200.00	CIP
Utilities	Ziegler CAT	Caterpillar Excavator	82,426.00	CIP
Utilities	Pipe Services Corporation	Sanitary Sewer Televising	42,026.30	CIP
Streets	Towmaster	T-16DDrop Deck Trailer	7,922.00	CIP

Roll Call

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

Nays: None.

McGehee moved, Etten seconded, approval of trade-in/sale of the following surplus item:

Department	Item / Description
Utilities	1993 Caterpillar Backhoe - \$21,000 Trade-In

Roll Call

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

Nays: None.

e. Receive the 2014 Third Quarter Financial Report

At the request of Mayor Roe, City Manager Trudgeon briefly summarized the third quarter update, as detailed in the RCA dated October 27, 2014.

For the benefit of the City Council and public, Mayor Roe pointed out the statement under the Communications Fund summary (page 7 of 14, lines 149 – 150), and clarified that throughout the negotiating process, the current 5% franchise fee was intended to continue, and especially under the proposed two-year extension, would remain at status quo. Even with a pending ten year renewal, Mayor Roe noted that the same 5% fee was intended; and the only potential change may be in funding for cable access operations and the franchise fee contributions from the City to the NSCC that may impact net revenues.

Roe moved, McGehee seconded, receipt of 2014 Third Quarter Financial Report as presented.

Roll Call

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

Nays: None.

City Manager Trudgeon advised that, at the next City Council meeting, the City Council would be considering the two year extension.

g. Approve Memorandum of Understanding (MOU) for the Tax Base Revitalization Account (TBRA) for Twin Lakes Apartments

A bench handout was presented, consisting of several e-mails from resident regarding this item, *attached hereto and made a part hereof*.

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed this request to formalize grant reporting between the City and Sherman Associates through the MOU, as detailed in the RCA dated October 27, 2014.

City Manager Trudgeon clarified that the proposed MOU required Sherman and Associates to contribute any required matching funds for the TBRA grant; with any matching funds required by the City for environmental investigation in their right-of-way will come from Tax Increment Finance (TIF) District #17, which was established for the purpose of handling the Twin Lakes Hazardous Substance Subdistrict. Mr. Trudgeon noted that this TBRA grant, previously approved by the City Council, was set to expire December 31, 2014; and that in the best interests of initiating this work, the MOU was intended to identify the responsibilities and expectations of the City and Sherman and Associates in implementing the TBRA grant.

City Manager Trudgeon further clarified that this proposed MOU did not approve the Sherman and Associates proposed apartment development, which the City Council had only seen in concept plan to-date; and further noted that additional funding was needed before the project could become feasible. Mr. Trudgeon advised that he anticipated that funding to be undertaken through grants, potential waiving of sewer access charge (SAC) fees, and possible TIF funding as well. Mr. Trudgeon reiterated that the Sherman development project had not yet been approved, and much discourse remained before it was approved; and further clarified that this TBRA grant did not require the City to approve any development beyond its concept stage nor did it obligate the City in any way. Mr. Trudgeon opined that this Phase I and Phase II environmental work was a valuable endeavor for the City of Roseville, whether the project went forward or not, and would serve to characterize the environmental issues on the project site. Mr. Trudgeon noted that this MOU is similar and consistent with required documents between a developer and the City for past projects; and was consistent with discussions with the City Council over the last eighteen months.

Councilmember Willmus advised that he had removed this item due to his concerns, as well as those of neighbors, some of whom were in attendance tonight to address the City Council regarding this issue. Councilmember Willmus stated that he was concerned that this grant from the Metropolitan Livable Communities Grant program was not being met, yet the grant tied components of the development beyond those originally indicated when the City was first approached by Sherman and Associates; with that agreement indirectly referenced in the MOU.

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City Manager Trudgeon clarified that the Grant Agreement (Attachment A-2) was between the City of Roseville and the Metropolitan Council, with the City receiving grant funds as a pass-through, with no direct correlation between Sherman getting the dollars directly. As part of the application submittal, Mr. Trudgeon noted that the proposal going forward would be reviewed by the Metropolitan Council to monitor and ensure that their program goals were being met. Mr. Trudgeon noted that the development project continued to evolve from concept stages, including an increase in affordable units (64 out of 190 units, or approximately 1/3 of the units now proposed as affordable). However, Mr. Trudgeon noted that staff had continued to alert the City Council and public as the proposed project evolved, and this document was consistent with those presentations made in June of 2014 and subsequent discussions.

At the request of Mayor Roe, City Manager Trudgeon confirmed that the grant funds were Tax Base Revitalization Account funds under the broader Livable Communities Grant Program.

Councilmember Willmus sought clarification as to whether the Livable Communities component forced the project toward a higher percentage of affordable units.

City Manager Trudgeon responded that, no in this case, as even though the Livable Communities Grant took into consideration affordable housing, it also included goals for transit, walkability, and environmental remediation, with this grant was scored on the affordable units at that time (16 units), and met the Metropolitan Council's goals and needs under the TBRA grant awarded in 2013, and subsequently revised for the second grant application under the Livable Communities Grant Program. Mr. Trudgeon clarified that the project would have to meet affordable housing tax credit requirements, with units rented at a certain income threshold, not Section 8, but based on earned income at a low rate, and with that parameter established for those applicable units, the developer would received tax credits based on those units.

Councilmember McGehee questioned reporting requirements, referencing Page 3, Section 2.04 (Authorized Use of Grant Funds) of Attachment A-2, it addresses eligible uses of grant funds; and since that Grant Agreement is attached to the MOU, and the Agreement identifies the number of affordable units, and which are mixed income, it would indicate that the project had now changed. In Section 2.07 of Attachment A-2 (Project Changes), Councilmember McGehee noted provisions making it clear that written notification of changes was required. Councilmember McGehee, in her phone conversation with City Manager Trudgeon earlier this afternoon, stated that he saw no problem with the MOU based on her observations. However, Councilmember McGehee opined that the MOU tied the City to a particular development that appeared to be changing as it goes along from the original sketch plan for market rate units with high amenities, to the cur-

rent proposal. While not being opposed to affordable housing, Councilmember McGehee opined that this whole project was morphing as it went forward, and if this MOU was tied to it, further opined that the City had the responsibility to check the land and Sherman had the right to perform their own environmental testing, and if they chose not to share those results with the City, the City could withhold approval of the development project, or ask them to perform the environmental studies and provide funds to do so, or the City could take the funds and perform the study itself and therefore have control of the study. Councilmember McGehee expressed her discomfort in continuing down this path with a continually moving target.

City Manager Trudgeon reiterated that the Grant Agreement (Attachment A-2) had already been approved by the Metropolitan Council in May of 2014, and previously agreed to by the City Council, and that particular document was not under consideration tonight, only the MOU specifying the expectations and responsibilities between Sherman and the City.

Regarding Councilmember McGehee's question about consequences if the City Council chose not to approve the MOU, City Manager Trudgeon advised that it would not have any bearing, but recommended that it be approved in order to put the City in a better position with contractual obligations for Sherman to provide the environmental information to the City, and served to protect the City better to make sure Sherman performed up to the City's expectations. Mr. Trudgeon noted that a MOU had been done over the last five years for any grant agreement, and provide sufficient documentation to identify reporting and reimbursement requirements.

Councilmember Willmus stated that he understood the rationale of City Manager Trudgeon, and recognized that Attachment A-2 had come before the City Council for approval previously; however, his concern was specifically with the MOU between the City and Sherman and Associates.

At the request of Mayor Roe, Councilmember Willmus reviewed his concerns that the MOU tied the City to a certain threshold market rate versus affordable unit apartment development that continued to change.

Mayor Roe asked the City Manager to address whether or not that concern was addressed in the MOU; with City Manager Trudgeon deferring to City Attorney Mark Gaughan.

City Attorney Gaughan advised that the MOU was simply laying out obligations of Sherman and Associates as they perform the environmental work, work that was already approved by the City Council when it accepted award of the TBRA grant funds from the Metropolitan Council. As part of accepting those funds, Mr. Gaughan noted that certain reporting and documentation obligations were re-

quired by the Metropolitan Council by recipients of grant funding. Since Sherman and Associates is to perform the work, the MOU serves to memorialize those obligations to comply with reporting requirements, thereby protecting the City as recipient of the grant funds. Mr. Gaughan noted that the MOU was not even considered a formal contract, but was simply a written understanding.

Mayor Roe sought clarification as to whether or not the MOU tied the City to a particular threshold of affordable units.

City Attorney Gaughan advised that there was nothing to that effect in the MOU, and clarified that it only made references to the summary, which the City Council had already approved as part of the grant agreement and obligations of the recipient (City of Roseville). Now that the City is going to use the grant funds for Sherman and Associates to perform the environmental work, Mr. Gaughan advised that the MOU was to let Sherman and Associates know that they are assenting to documentation and reporting requirements as laid out in the grant agreement.

At the request of Councilmember Laliberte, City Manager Trudgeon confirmed that the original Sherman and Associates concept plan, and project summary approved by the City Council, provided 16 affordable units out of 205 total units, and now the project had evolved to 64 affordable units out of a total of 194 units. Mr. Trudgeon further confirmed that, when last discussing the Sherman project in June of 2014, it was noted by staff that there was an uptick in affordable units, and the City Council at that time approved the second Livable Communities Grant application; and as part of that second application, the new unit numbers were included in that, a revision to the first grant application for TBRA funds for the project.

Mayor Roe noted that the second grant had only been applied for, and the City Council retained the right to decide to accept it or not.

Councilmember McGehee asked why the City didn't perform the work itself rather than have Sherman do so.

City Manager Trudgeon noted that a match would be required, and Sherman and Associates covers that cost. Mr. Trudgeon also noted that the City would have to seek permission to gain access to the site; and if Sherman and Associates has a Purchase Agreement for the site, they had the ability to perform the testing.

If asking them to contribute as part of this project, Councilmember McGehee opined that if the project did not come to fruition, Sherman would have already made an expenditure; and if the City Council was willing to say at the end of this time that it was willing to pay Sherman back, in addition to 25% in matching

funds and any other expenditures Sherman felt they had made to move the project forward to someone else, it seemed to her to become a liability for the City.

Mayor Roe questioned if Sherman had any misunderstanding about their role, as reasonably intelligent developers, that there were no guarantees from the City that there project would be approved.

City Manager Trudgeon confirmed that as a sophisticated and long-term developer, Sherman and Associates were well aware of their risks and that often their initial or upfront expenditures were not recovered. However, City Manager Trudgeon advised that Sherman was getting anxious to get the environmental testing done before yearend and expiration of grant funds.

Public Comment

Lisa McCormick

After hearing tonight's discussion, and her review of the MOU, Ms. McCormick requested a recital clause stating that, by entering into the agreement, it did not create any expectation that the project will be approved. Ms. McCormick expressed her concern with having not formally stating there were expectations, and from her perspective in the introductory summary, it did create an expectation. However, if the City Attorney was confident that those expectations were not created, Ms. McCormick ceded that point, even though she was seeking that assurance and would be more comfortable if specifically addressed in the MOU itself.

At the request of Mayor Roe, City Attorney Gaughan confirmed that, while he did not have any concerns with the MOU as it was currently presented, he was amenable to the City Council's wishes if they preferred a provision expressly stating that Sherman and Associates and the City had no expectations of any project approval, and offered to amend the language accordingly if so directed.

Councilmember Laliberte expressed her comfort level in requesting that additional language; and while recognizing that this may be a normal part of property development, with the expenditure of funds by Sherman and the many moving pieces and grants, this would provide another step in the process and clarify that there was no guarantee of project approval.

Councilmembers McGehee and Willmus concurred with Councilmember Laliberte.

Councilmember Willmus asked that an amended MOU come back before the City Council at their next meeting, and at that same meeting have an update from staff on the Sherman project, and how the project had changed from its initial concept in June of 2013 to the present. Given the number of pieces at play, and many residential neighbors feeling that they had not been up-to-speed at the onset of the

project, Councilmember Willmus opined that this would provide them with a voice in the matter.

Councilmember Laliberte also requested an update on the timing of the new grant application from June of 2014.

City Manager Trudgeon advised that staff was reviewing the process at this time, and by the next scheduled City Council meeting on November 10, 2014, they should have a better understanding. At the request of Mayor Roe, Mr. Trudgeon advised that, while he would prefer to move the MOU forward with amended language from the City Attorney as noted during tonight's discussion, Sherman should still be able to move forward as long as they understood the MOU was moving forward, and if they were willing to expend funds. However, if there was any chance the MOU may not pass as amended, City Manager Trudgeon advised that he was not sure how Sherman and Associates would feel about proceeding. When providing the update for the City Council as requested, Mr. Trudgeon advised that staff would confirm with Sherman and Associates where they stood.

McGehee moved, Etten seconded, approval of a Memorandum of Understanding (Attachment A) between the City of Roseville and Sherman and Associates (SA Roseville Acquisition LLC) identifying the responsibilities and expectations of both parties in implementation of the Tax Base Revitalization Account (TBRA) grant for Twin lakes Apartments; *amended as follows: Insert a fifth paragraph under Section D of the MOU entitled: PROJECT APPROVAL. Both parties acknowledge nothing in the MOU or attached grant agreement will constitute approval of any project undertaken on the subject property.*"

PROJECT APPROVAL. Both parties acknowledge that nothing in this Memorandum of Understanding or the attached TBRA Grant Agreement and its attachments shall be construed to constitute an approval or create any expectation whatsoever of an approval of any project or undertaking on the subject property.

Roll Call

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

Nays: None.

h. Award Bid for Fiber Connection Lexington & Rosebrook Park

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed this request, as detailed in the RCA dated October 27, 2014.

In light of all the communication efforts currently underway by the City, Councilmember McGehee asked that the City Council give consideration at least one more time that these funds come out of Parks Renewal Program monies rather than from the Communications Fund, to allow those funds in the Communications

Fund to be used elsewhere, specifically in upgrading overall community communications.

Mayor Roe requested from staff how fiber optics projects have been funded in the past.

Finance Director Chris Miller advised that the City's share of funding has come from its Equipment Replacement Fund set up a long time ago. However, Mr. Miller noted that the lion's share of past fiber build-outs had been funded cooperatively with other entities sharing those costs (e.g. library, school district and other agencies).

Councilmember Laliberte noted the pending funding for the Communications Manager position originally funded by the HRA, and now no longer in their 2015 budget, which will need funding from the Communications Fund.

Mayor Roe noted that the Communications Fund currently had a balance of approximately \$584,000, or 140% of the annual budget.

Etten moved, Willmus seconded, approval of the bids received from Arvig to extend the City's fiber network to Rosebrook and Lexington Parks, as detailed in the RCA dated October 27, 2014.

Councilmember Laliberte advised that she would vote in opposition to the motion, as she thought funding should come from another source.

Councilmember McGehee concurred with Councilmember Laliberte, opining that given the most recent community survey, the City needed to do a better job in expanding its newsletter as respondents indicated that was their source to receive communication from the City, and she did not want to be stifled in this fund.

Councilmember Etten opined that from his perspective, he did not feel the Communications Fund was in trouble; and expressed his confidence in staff being aware of the costs. Councilmember Etten stated that he would prefer Park Renewal Fund monies used for other things, since this will benefit the entire area and provide a network for people to use while in the park, not just for park programming, but as a communications hub for the broader community need.

Councilmember Willmus echoed Councilmember Etten's comments; opining that he did not find the Communications Fund to be in jeopardy with this expenditure, and just because it was in to be installed for a park building, it remained a communications item, and if it was proposed for installation in any other municipal building, he would not see it any differently.

Roll Call

Ayes: Willmus, Etten, and Roe.

Nays: Laliberte, and McGehee.

Motion carried.

i. Set a Public Hearing to Issue Tax-Exempt Revenue Bonds on Behalf of Charter Schools Development Corporation and Hiawatha Academies

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed this request to set a public hearing to consider issuing conduit tax-exempt revenue bonds, as detailed in the RCA dated October 27, 2014.

Councilmember McGehee stated that she was not in favor of this conduit financing or in setting a hearing date for it, since the charter school was not within the borders of Roseville, nor were there any Roseville students in this school. While she understood that there was no legal obligation to the City in serving for conduit financing to provide a tax break for other entities, Councilmember McGehee noted that the City's name was on it and if the school should fail as many charter schools had done, the City was still associated with it. Councilmember McGehee opined that the City had worked hard to get its bond rating and expressed her interest in maintaining that top rating.

Mayor Roe asked for clarification from Finance Director Miller on ramifications to the City if for some reason the entity was unable to pay the bonds and defaulted.

Finance Director Miller advised that any potential default would have no impact on the City's financial standing or bond rating, and as mentioned by City Manager Trudgeon in his summary of this request, the City has no legal, professional or moral obligation to step in, and any dealings were strictly between the borrower and eventual lender, with the lender assuming all the risk.

At the request of Councilmember Willmus, Finance Director Miller responded that the Charter School's Development Corporation was the owner of the building and he was unaware of any sponsoring school district.

Councilmember Laliberte noted that while often a school district sponsored charter schools elsewhere than within their school district, this was not the case, as affirmed by Finance Director Miller.

Mayor Roe noted that the City had the authority to issue up to \$10 million in total debt annually, and questioned whether using \$6.6 of that \$10 million total was for the year or ongoing until the debt was paid off.

Finance Director Miller responded that the \$10 million debt limit made the bonds bank qualified; and as an example, if the City of Roseville issued \$10 million or less annually in bonds in any given year, it drives rates down for pool entities bid-

ding, with that threshold available annually to maintain bank qualified status. Since the City of Roseville did not issue any bonds in 2014, and this late in the year with no plans to do so, the non-profit group had approached the City due to that available capacity.

As noted by City Manager Trudgeon during his summary introduction, Councilmember McGehee recognized that the City would acquire some funds for administration and application fees, she sought to clarify that the City of Roseville's name would not appear in anything going out to be sold to lenders.

Finance Director Miller clarified that the City of Roseville's name would appear, but the City itself would not bear any financial risk, and the only ones who saw the City's name would be the eventual lender. Mr. Miller noted that the lender, probably local in this case, was sophisticated and did this type of lending on a daily basis, so they were well aware of the risk. Mr. Miller clarified that this type of bond issue was not sold to retirees investing their funds and realizing they may not get a return, but large institutions doing this type of lending.

Etten moved, Roe seconded, adoption of Resolution No. 11185 (Attachment A) entitled, "Resolution Calling for a Public Hearing on the Issuance of Educational Facilities Revenue Notes and Authorizing the Publication of a Notice of the Hearing (Charter Schools Development Corporation/Hiawatha Academies Project)," scheduled on Monday, December 1, 2014 at 6:00 p.m.

Councilmember Willmus stated that he would not support this motion, as he didn't support the issue or using the City of Roseville's name for conduit financing for this institution. While having supported conduit financing for institutions located in Roseville, Councilmember Willmus stated that he would do so when it came before the City Council, and therefore could not support a motion to schedule a public hearing to consider it.

Councilmember Laliberte stated that she had similar feelings to those expressed by Councilmember Willmus; and while she might be more comfortable if there was a local tie, she was not opposed to holding the public hearing, but clarified that she would probably not support the conduit financing request.

Councilmember Etten recognized that this was not a City of Roseville institution; and if it affected the City in any real way, stated that he would not vote to support it. However, Councilmember Etten noted that was a pretty easy thing for the City to work out.

Councilmember McGehee agreed with the comments of Councilmembers Willmus and Laliberte; and as a matter of policy, expressed her preference to support only those institutions residing in Roseville.

Mayor Roe noted that a lot of communities, while maybe not a majority, did this type of conduit financing, and referenced a recent newspaper article about the neighboring communities of St. Anthony and Lauderdale who looked at offering this service as a source of revenue for their communities. Mayor Roe opined that he didn't necessarily have any qualms about this organization or any not being local institutions, but if they were seeking financing and the City had the capacity, he was not opposed to considering it, especially if some portion of the administrative and application fees remained to go toward the City's General Fund to reduce taxpayer levies. Mayor Roe stated that he would support setting this public hearing as well as the conduit financing, opining that he was not amenable to ruling out helping other institutions.

Roll Call

Ayes: Laliberte, Etten and Roe.

Nays: Willmus and McGehee.

Motion carried.

9. General Ordinances for Adoption

10. Presentations

a. Ramsey County Sheriff Bostrom

Mayor Roe introduced and welcomed Ramsey County Sheriff Matt Bostrom.

Sheriff Bostrom thanked the City Council for the opportunity to report on the good things happening in the County that were often not considered newsworthy to the media, and for the opportunity to interact with those cities served by his department.

Sheriff Bostrom reviewed the core functions of the Sheriff's Department, the difference between a Police Officer and a Sheriff's Deputy and their sworn arrest authority, in addition to the Sheriff's Department providing patrol services to seven of the seventeen communities in Ramsey County without their own full service police departments.

Sheriff Bostrom also reviewed the department's court services division and security measures that went on every day in upholding the constitutional rights of defendants and maintaining a safe and secure legal system and process, often behind the scenes. Sheriff Bostrom reviewed the Sheriff's service for the Detention Center, and process in moving inmates to other correctional facilities, averaging from 350 to 450 in custody at any given time, with an average stay of five days.

Sheriff Bostrom briefly reviewed the active hiring being done by the department this year: hiring eighteen deputies and ten correctional officers, with his focus on hiring for consistent character attributes based on their psychological profile:

honor (trustworthy), truth (honest); responsibility; and respect. Sheriff Bostrom noted that an officer could be trained to the highest skill level possible to get their highest level of competency, but character was necessary to ensure they continued to perform as desired, and to make sure everything possible was done to reinforce that character throughout their career.

Sheriff Bostrom briefly reviewed the Department's "Cooperative Chiefs" program, a high visibility traffic initiative hosted on sections of roadway or corridors that needed diligent and highly visible traffic enforcement, which was proving to bring accident rates down, thereby reducing property damages as well as addressing life/safety issues. Sheriff Bostrom noted that the consortium's initiative had been recognized by the State of MN for its success, and use of state grant funds. Sheriff Bostrom noted that, while it doesn't often make the news, it just happens, but was due to the good men and women working on the public's behalf.

In a public appeal, Sheriff Bostrom sought public help and ideas on how best to curtail heroin usage in Ramsey County, with high profile interdictions providing evidence that when heroin users are taken off the street and into custody, including an alarming number of men and women showing up in area emergency rooms from heroin overdoses, it was being found that their story began by finding access to prescription drugs and opiate-based pain relievers. Since most patients didn't use their full prescription and return it to the medicine cabinet often to be found by unauthorized users, Sheriff Bostrom asked the public's help in getting those leftover prescriptions turned in, whether expired or not, to allow for their proper disposal. Sheriff Bostrom noted two locations to turn in those unused medications: at the Ramsey County Sheriff's Satellite office on Highway 96 at Hamline Avenue in Arden Hills, or at their downtown St. Paul Law Enforcement Center at 425 Grove Street. Sheriff Bostrom asked that the service worked like an after-hours bank depository with medicines locked in a steel cabinet and later picked up by drug officers for proper disposal. Sheriff Bostrom encouraged residents to take advantage of this program at any time, and not wait for DEA or other drug take-back efforts held on only a periodic basis, but to take action at any time at either of their locations, and take away this pathway to eventual heroin use. Sheriff Bostrom noted that the current purity of the heroin on the streets right now exceeded 90%.

Sheriff Bostrom updated the City Council and public on the "Code Red" community notification program, advising that testing continued on the program, and they were finding an even better vehicle for distributing that community information and situational awareness. Sheriff Bostrom advised that a Request for Proposals was currently underway by the Department's Emergency Communication Center on behalf of public safety in Ramsey County and emergency management efforts and communication initiatives. At this time, Sheriff Bostrom opined that other products may serve community needs better, and by early 2015, additional information should be available, and at which time the system could be

used to notify the community of items of interest as well as emergency notifications.

In conclusion, Sheriff Bostrom took this opportunity to invite families to attend the annual Ramsey County Sheriff's Fright Farm at the Ramsey County Fairgrounds at Frost and White Bear Avenues, scheduled for Halloween night. Sheriff Bostrom noted that an independent 501C organization oversaw the programs in support of youth initiatives throughout the County.

Councilmember McGehee suggested that the Sheriff's Department notify the public by flagging their incoming "866" number to clarify that it isn't some type of advertising showing up on caller identification phone screens. Sheriff Bostrom duly noted that request to forward to staff.

Sheriff Bostrom responded to questions and comments of Councilmembers including the process for detention center inmates before, during and after their first court appearance depending on that outcome.

Councilmember Etten spoke to the Sheriff's Department water safety patrol officers on local lakes in Ramsey County, especially in his neighborhood in the southeast corner of Roseville adjacent to St. Paul and Maplewood; and asked if more appearances or a quicker response to particular events or activities was possible.

Sheriff Bostrom responded that, as another core function of the Department and a statutory mandate, they had eighteen miles of the Mississippi River including the human side of water safety for recreational lakes throughout Ramsey County, and recognized the problems in response times and coordination required with the DNR in assigning hours and officers to lakes and the frequency in doing so. Sheriff Bostrom noted that they brought in reserve and additional staff during the summer to handle those challenges, but asked that constituents notify the department when they observe issues, allowing the department to define patterns and be more strategic in how to deploy resources beyond just at random.

Councilmember Etten recognized the need for residents to be more proactive in making those phone calls, even if the incident was already over when the patrol showed up.

Councilmember Etten noted the work done by the department in the Rice Street and Larpenteur Avenue area, and cooperative work with other municipal police departments, and encouraged the Sheriff's Department to continue supporting those efforts and if possible enhance those efforts. Sheriff Bostrom duly noted those comments, opining that it made sense.

Recognizing that the prescription drug collection worked under some restrictions and was limited by available grant funding, Mayor Roe noted the need to make the program as convenient as possible, and questioned if Sheriff Bostrom saw any future partnerships with pharmacies or other collection sites to get higher participation. If so, Mayor Roe asked that Sheriff Bostrom alert the Roseville City Council to announce that to their residents and business community.

Sheriff Bostrom admitted that it seemed logical to have collection sites as local pharmacies; however, he noted that because of how they provide their services, pharmacists wanted to maintain a pure environment and avoid any chance that non-pharmaceutical prescriptions from behind their counter could possibly intermingle with their product. Sheriff Bostrom advised that the Pharmaceutical Board had yet to find anything they could live with unless they could have a completely separate drop-off location; however, as the rules are currently written, and until those rules changed, the Sheriff's Department was trying to do whatever was possible.

Councilmember McGehee suggested working with the City's Police Department for a lock box at City Hall.

Sheriff Bostrom responded that such an effort may be possible, with the City of North St. Paul introducing such a program last year, and the City of Maplewood in the process of doing so as well. However, Sheriff Bostrom noted that there were lessons to be learned, and generally speaking, the Ramsey County Public Health Department served as a good liaison agency for those rules, but offered Police Chief Mathwig the opportunity to investigate such a program.

With the Roseville Fire Department offering health screening services, Mayor Roe advised that the City Council would apply pressure on them as well.

Mayor Roe thanked Sheriff Bostrom for his attendance and update.

11. Public Hearings

12. Budget Items

13. Business Items (Action Items)

a. Community Development Department's Request to Issue a Ramsey County Court Citation for an Unresolved Violation of Roseville's City Code at 2026 Asbury Street

Codes Coordinator Don Munson reviewed current code violations at this single-family home, with the records indicating the property is owned by Ms. Grace Mwassa. Mr. Munson advised that staff had been advised that the home was in foreclosure; however, they were unable to verify that at this time.

Mr. Munson reviewed the history of this home and previous Police Department action to ensure the health and welfare of Ms. Mwassa due to an inoperable furnace, and subsequent condemnation of the home until repairs had been completed. Mr. Munson advised that the home had been re-occupied by the owner in violation of the condemnation order; and provided a summary of follow-up inspections over the summer, revealing that the home is without gas or electrical service. In September of 2014, Mr. Munson advised that Ramsey County Human Services obtained alternative housing for Ms. Mwassa, and the City had shut off water service to the home, based on potential damages to water lines from last winter. Mr. Munson advised, however, that Ms. Mwassa then refused the alternative housing, leaving that option, and again re-occupying the home.

Without gas, electric or water services to the home, Mr. Munson advised that the conditions make it in violation of City Code, Section 906.03.H. (Unsafe Structure and Equipment) or Roseville's Building Maintenance and Preservation Code.

Therefore, Mr. Munson advised that staff is requesting the authority to issue a Ramsey County Court Citation in order to require that the home is vacated until repaired and services restored, with a Ramsey County court date allowing Ms. Mwassa due process before being required to vacate the property.

Councilmember McGehee asked for background information on the property owner and the property, its possible foreclosure status, and other information that Mr. Munson could share publically, and efforts already made with local social service agencies and relatives located in the area. Councilmember McGehee opined that she was uncomfortable trying to remove people from their homes.

Etten moved, Roe seconded, directing the Community Development staff to issue a Ramsey County Court Citation to the property owner in order to allow for due process to determine if the property owner can remain in this home at 2026 Asbury Street.

Public Comment

Lois Cunningham, 2062 Dale Street North

Ms. Cunningham opined that it could be that bringing this issue to court could help resolve the problem, with court services able to get her the proper attention she needs. While Councilmember McGehee may be hesitant to get involved, the resident becoming homeless was what was due to happen this winter with no facilities or utilities available.

City Attorney Mark Gaughan

As the office prosecuting this case, City Attorney Gaughan noted that Ramsey County services could bring some positive closure to this matter, and at the same time provide motivation for cooperation on both sides. As Mr. Munson noted,

Mr. Gaughan stated that he and staff had discussed how best to approach this problem, and typically they would avoid going through the criminal court system for a case such as this if another solution had been found.

Councilmember Etten expressed his appreciation for the comments of City Attorney Gaughan. Specific to taking action on this case with a court citation, Councilmember Etten opined that while there may be no immediate health issue, it could become one for neighbors if the home continued without services, with future issues with refuse and human excrement affecting adjacent homeowners as well. Councilmember Etten noted that staff had already pursued a series of options, and expressed his trust in staff that their recommendation to move this way would resolve the property issues, as well as those neighborhood concerns.

Councilmember McGehee reiterated her hesitancy in forcing a resident to possibly end up living on the street with no appropriate safety nets in place.

Speaking generically, City Attorney Gaughan responded that there are codes that apply in case the only problem was if a resident was unable to pay utilities, and in that situation, the court system was not an appropriate process. Mr. Gaughan noted that there was wide discretion for the prosecuting court to remedy some sort of solution; and noted that staff had already put in considerable time to-date to resolve this outside any civil or criminal legal action. Therefore, Mr. Gaughan opined that some measure of intervention was appropriate at this time, and agreed with staff that this is the appropriate measure to resolve the issue as quickly as possible to find a solution.

While agreeing that some type of high level intervention is appropriate at this point, Councilmember Willmus asked if City Attorney Gaughan could provide the City Council with frequent updates on the process; with Mr. Gaughan duly noting that request.

Councilmember Laliberte agreed with the comments of her colleagues, expressing her comfort that there were relatives in the area, and therefore, hoped that the resident would not end up on the street. In light of current remedies not having helped identify the services needed by this resident, Councilmember Laliberte spoke in support of the motion.

Mayor Roe noted that the City certainly didn't want to put people out on the street; however, he also noted the need to protect some residents from their circumstances, such as a home without heat going into the winter months, that may prompt someone in their desperation to start a fire or by using an appliance not suitable for indoor use. Mayor Roe noted that this also raised the issue of not only individual safety, health and welfare, but also that level for the neighborhood and adjacent property owners. Mayor Roe noted that not having water created other sanitation issues making it an even bigger problem. Therefore, Mayor Roe

opined that the recommended action seemed appropriate to reach some type of resolution.

Councilmember McGehee offered a friendly amendment to the motion directing the City Attorney to report back to the City Council when certain milestones were reached.

As the Chair, Mayor Roe declared that an amendment was not necessary.

Councilmember McGehee admitted that it appeared staff had gone out of their way to work this situation out.

Roll Call

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

Nays: None.

b. Community Development Department's Request to Perform an Abatement for Unresolved Violations of City Code at 2226 Laurie Road

A bench handout, consisting of an e-mail dated October 27, 2014 from Mary Bachhuber, 2223 Marion Road, an adjacent neighbor to Nancy Gulden's property on Laurie Road, was included and *attached hereto and made a part hereof*.

Codes Coordinator Don Munson reviewed current code violations at this single-family home, with the current owner listed as Nancy Gulden.

Mr. Munson provided a status update, including photos, of current violations, including a large fallen tree limb and brush pile in the back yard (violation of City Code Section 407.02.D.- Debris); fence damage from the tree limb (violation of City Code Section 407.02.J. - Building Maintenance); Grass over 8" (violation of City Code Section 407.02.C); and an unlicensed truck, expired in 2012 (violation of City Code Section 407.02.O – Vehicles constituting a public nuisance).

Mr. Munson advised that the estimated abatement costs would be approximately \$650.00 to hire a general contractor to remove the fallen tree limb and brush in the yard, repair the fence damaged by the tree limb, and order the truck impounded. Mr. Munson advised that the grass had recently been cut, so that would be removed from the recommended abatement.

Mr. Munson advised that staff had repeatedly tried to work with Ms. Gulden; however, she stated that she wanted to keep her lawn as a natural habitat for rabbits and other wildlife. Mr. Munson noted that he had explained that, due to rodents, this was not feasible in an urban environment; and advised that the situation had generated many complaints from the neighborhood.

Mayor Roe suggested another way the truck issue could be mitigated was by simply parking it in the garage, since storage of unlicensed vehicles in a garage was permitted.

Discussion ensued by Councilmembers Laliberte and McGehee regarding the trailer itself, with Mr. Munson advising that if it was relocated to the side yard it would be close to and visible from neighboring porches, making a worse situation than they were currently experiencing.

Mayor Roe noted that, if the resident wanted to have native plantings in her yard, there was a process that does not include just having long grass.

Public Comment

Jim Nelson, County Road B and Fulham

Mr. Nelson sought clarification on where a trailer could be located, with Mayor Roe noting parking was permissible in the side or rear yard.

In driving by earlier today, Mr. Nelson opined that the property was a mess.

McGehee moved, Etten seconded, directing the Community Development staff to abate public nuisance violations at 2226 Laurie Road by hiring general contractors to remove the fallen tree limb and brush in the yard, repair the fence, ~~cut the grass~~, and order the truck impounded following the seven day placard process; with the property owner to be billed for actual and administrative costs, and if charges not paid, authorizing staff to recover costs as specified in City Code, Section 407.07B.

Roll Call

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

Nays: None.

14. Business Items – Presentations/Discussions

15. City Manager Future Agenda Review

City Manager Trudgeon reviewed upcoming preliminary agendas for the remaining four Councilmembers to be held in November and December of 2014.

With Councilmember Laliberte concurring, Councilmember Willmus asked for a City Council Worksession discussion on steps that could be taken to interact with the Metropolitan Council on some of their properties, based on public comment he was fielding from neighbors to those properties.

This request was duly noted by City Manager Trudgeon, advising that staff was currently collecting data on that situation.

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Given the number of things on the November 17th agenda, Councilmember Etten suggested moving the Street Work Plan to November 10th to free up some time. Councilmember Etten noted that the November 17th meeting was projected as a long meeting, but each of the items were important with people scheduled to attend or things needing decisions made before the 2015 budget was finalized.

City Manager Trudgeon duly noted the suggestions.

16. Councilmember-Initiated Items for Future Meetings

At the request of Councilmember Laliberte regarding the 2015 HRA budget, Councilmember Etten advised that the HRA's Finance Committee would be meeting in the near future, with the next HRA business meeting scheduled for November 18, 2014 at which time they would be considering their final budget requests.

17. Adjourn

Laliberte moved, Etten seconded adjournment of the meeting at approximately 7:58 p.m.

Roll Call

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

Nays: None.

Daniel J. Roe, Mayor

ATTEST:

Patrick J. Trudgeon, City Manager