



**Regular City Council Meeting Minutes**  
**City Hall Council Chambers, 2660 Civic Center Drive**  
**Monday, March 9, 2020**

**1. Roll Call**

Mayor Roe called the meeting to order at approximately 7:00 p.m. Voting and Seating Order: Willmus, Laliberte, Groff, Etten and Roe. Assistant City Manager Rebecca Olson and City Attorney Mark Gaughan were also present.

**2. Pledge of Allegiance**

**3. Approve Agenda**

Assistant City Manager Olson requested removal of Item 7L (Consider a Request to Perform an Abatement for Unresolved Violations of City Code at 182 S. McCarrons Blvd) because this issue has been resolved and Item 9D (Receive City Grant Applications Update) for consideration at another date.

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

**Roll Call**

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

**Nays:** None.

**4. Public Comment**

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

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

**6. Items Removed from Consent Agenda**

**7. Business Items**

**a. Receive Annual Update from Jerry Hromatka, President and CEO of Northeast Youth and Family Services.**

Mr. Jerry Hromatka, President and CEO of Northeast Youth and Family Services (NYFS) made a presentation to the city Council.

Councilmember Willmus thanked Mr. Hromatka for everything he has done over the years and that is valuable for the community.

Mayor Roe explained the diversion program mentioned is an alternative where young people who enter into the justice system can go into. NYFS is the provider of that service for Ramsey County. The other piece of it is the commitment of members that he had served with on the Board previously, which is incredible towards the success and sustainability of this organization. He noted Councilmem-

ber Laliberte is currently the city's liaison on this Board. He indicated he was very confident that despite some of the challenges that seem to keep creeping up in this industry, NYFS will continue to be an important provider in the community.

Mayor Roe recessed the meeting at approximately 7:25 p.m., and reconvened at approximately 7:30 p.m.

**b. Receive Presentation from Dana Healy, Executive Director of CTV North Suburbs**

Ms. Dana Healy, Executive Director of CTV North Suburbs, along with Mr. Jared Wiedmeyer, Government Coordinator to the cities, made a presentation on current operations of CTV and new initiatives being undertaken.

Mayor Roe thanked Ms. Healy and Mr. Wiedmeyer for the update and all CTV is doing in the community and surrounding areas.

**c. Consider Resolution Approving the Vacation of Easement at 673 Heinel Drive**

City Engineer/Assistant Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Mayor Roe reviewed public hearing protocol and opened the public hearing at approximately 7:48 p.m.

**Public Comment**

**Mr. Ernie Schroeder, 675 Heinel Drive**

Mr. Schroeder indicated he has lived at his place for 47 years and thought abandoning the storm sewer there is probably the right way to go. When he moved in in 1973, the bottom of the storm sewer was two feet to the lake bottom and now that sediment and soil has built up, the pipe is almost closed off. During the 47 years he has lived on Heinel Drive, there has been three to four feet of sediment put in there and when Roseville work crews work on a road, it was discussed to clean up the storm sewer, but it has never been done. He explained this accumulation has gone on over the years and the DNR is now saying that nothing can come out of the lake. There is also a storm grate where the red line goes to Heinel Drive, but he did not know what that was connected to. He wondered if there is a water issue, would the city do something about it because the water has to go somewhere.

**Mr. Don Duncan, 673 Heinel Drive**

Mr. Duncan explained he was the property owner and agreed with Mr. Schroeder.

With no one else appearing to speak, Mayor Roe closed the public hearing at approximately 7:55 p.m.

Mayor Roe asked Mr. Freihammer about how stormwater is supposed to be handled, and whether abandoning the existing storm drain in the easement would be a bad thing. Freihammer explained that when the drain was originally abandoned, it was supposed to have been capped, and it is likely that the cap has leaked over the years. The upcoming project in that area will include ensuring that the cap is properly done.

Willmus moved, Groff seconded, adoption of Resolution No. 11677 entitled, "Resolution Approving the Vacation of Easement for Storm Sewer Purposes Located within Lot 5, Block 1, Kimberly Park."

### **Council Discussion**

Councilmember Willmus thought this made sense.

Councilmember Groff thought this would be a nice improvement for the properties and the owners there.

### **Roll Call**

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

**Nays:** None.

- d. **Consider Resolution Approving the Vacation of Ida Avenue Right of Way**  
City Engineer/Assistant Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Councilmember Groff asked how this might help with the easement problems and how would that change.

Building Official Dave Englund explained with the driveway portion being on the right of way, there are a lot of concerns that he and the City Attorney have dealt with as far as what can and cannot occur on the right of way versus private property. Should the vacation be approved, then this would be private property and give staff a little more ability to directly address the code enforcement issues that are happening there.

Councilmember Groff asked if it would make it any harder for adjoining properties to establish their property rights and will those property owners have to deal with these code problems.

Mr. Englund indicated it should make it much easier to address the code enforcement items.

Councilmember Etten noted it is his understanding from something in the packet and from Councilmember Groff's exchanges with residents, the easement would be split in half with part of the easement going to 210 and the city will be maintaining the easement on the eastern third, which is essentially abutting 194 and 193.

Mr. Freihammer indicated the sixty foot right of way would be split thirty feet to 210 and the other thirty feet would be assigned to 194 and 193 and the city would retain easement over the east portion for that existing utility easement.

Mayor Roe asked City Attorney Gaughan what the difference is between enforcement of violations on right of way versus private property.

City Attorney Gaughan explained that because it is a right of way and the city is dealing with an unimproved entryway from the street, it has caused some disagreement over who is responsible that and the pseudo driveway. By removing the right of way, ownership rights kind of erased the question of who is responsible for it. The responsible party will be the property owner.

Mayor Roe asked whether by reverting this property to a private individual, that then enters into the realm of nuisance code enforcement and removes the question about responsibility related to the city as an additional factor in that enforcement.

City Attorney Gaughan indicated that was correct.

Mayor Roe asked if cities are under any obligation to maintain right of way that the city has determined is not required for any city purposes. Or is there any obligations by cities to actually have to vacate right of ways that have been determined not to be useful for city purposes.

City Attorney Gaughan explained whether there is a mandate to do so is on a case by case basis, but the best practice is if there is not a public use, then it would be appropriate to vacate.

Councilmember Willmus asked for clarification on the east thirty feet of easement the city is looking to retain.

Mr. Freihammer indicated Xcel Energy probably put their pole in that area because it was a city right of way so the city would retain that easement.

Councilmember Willmus explained he was familiar with overhead easement and typically with overhead easements, the property owner may have use of the property underneath that area but the city is doing something different in this case.

Mr. Freihammer explained the city will be giving up all its road rights here and it would be for utility only.

Mayor Roe thought it would only be for access to the utilities at that point.

Mr. Freihammer indicated that was correct.

Councilmember Laliberte indicated with regard to some of the feedback received from property owners, she understood the reasons why to vacate if there is not a public purpose. But the city is already having a hard time with code enforcement in that area and asked what is to prevent the problem from continuing to spread closer and closer to the other properties if the city does not have anything to say in that space.

Mr. Englund explained with the division of this property, the property line will be at what has historically been the driveway used for this property. There will not be any way a property owner could encroach on another private property owner. Also, in conversations with the property owner at 210, the owner is in agreement with installing a fence at what would be the north/south midpoint of the 210 property from the newly created property line all the way to the west portion of the lot. That would then be restricting the caretaker property from accessing the south portion of 210 and County Road B2.

Councilmember Willmus explained with respect to the east thirty feet, there is going to be a remnant of easement there that will be thirty feet wide that the city is going to control. The city is having difficulty controlling activities of 210 on the existing easement. In the future, if the owner at 210 continues to violate code and creep over to the neighbors at 194 and 193, what code enforcement action does the city have that it did not have then because the easement is still being maintained. He asked if the property owners at 194 and 193 have the right to enforce an encroachment on a city easement. He also wondered if the owners at 194 and 193 could construct a fence north and south that would be on the property line.

Mr. Freihammer explained the owners would be allowed to construct a fence right on the property line or down the center of the existing right of way. There would only need to be access provided for Xcel Energy.

Mr. Englund showed a photo of where the new property line would be located if the vacation was approved.

Mayor Roe reviewed public hearing protocol and opened the public hearing at approximately 8:00 p.m.

### **Public Comment**

**Ms. Amanda Becker, 193 Grandview Avenue**

Ms. Becker explained she appreciated the gift but did not consider it a gift. She was looking at the 210 property and the acreage and did not see a hardship on their part of being able to solve this problem. It is not even a paved driveway that would be a challenge to locate somewhere else. She stated if it was something that was extremely problematic or a hardship, she would be willing to consider some accommodations. Instead, her family has had to deal with a number of nuisances and on top of that, her family is bearing the burden of the issue by having to take on additional property that has not been requested or wanted. She did not know if it would incur additional property taxes, but her family certainly does not want to pay for those as it is a steep ravine filled with a number of trees that would be additional maintenance. She hoped the Council would consider the challenges her family is not willing to take on considering this not to be a hardship and she did feel her family needed to bear the burden at this time.

**Mr. Dennis Brach, 213 Grandview Avenue West**

Mr. Brach indicated he was the property owner of 210 West County Road B2. He reviewed the history of the area with the city Council. He indicated what he is trying to do is to get the driveway off the right of way, which allows the use of the eastern part of the right of way as a driveway and eliminates that problem. He was willing to build a substantial east/west fence on the back side of the garage to prevent any use of the back area at 210 that has been in code violations in the past. He was also working with the tenant at 210 to clean up his act because he cannot run a business out of this residential property. The property has been cleaned up and if this is approved and a fence is installed, that would be a huge deterrent of him getting to the back of the property and doing anything. The previous comment was about the eastern thirty feet and the people at 193 Grandview who do not want it. He did not think the city could force them to take the property, but the right of way can be split, and thirty feet can be given to him with the other half sitting there. He did not see the problem and the vacation would be part of the solution to eliminating past code violations at 210.

**Mr. Jamie Ischer, 193 Grandview Avenue**

Mr. Ischer explained with all due respect to the history lesson, the history he is concerned with is the most recent which has numerous violations. In regard to the southern side of 210, he did not experience problems with the driveway as much as he does with constant boundary issues both civic and of the actual physical boundary. That gives them reason to believe that more offenses will not be committed. This is a management issue and if there is a problem with the caretaker,

he thought the solution is that the caretaker does not occupy that space. He did not know if the fence would help solve this problem or not as there were too many uncertainties right now for the city to actually respond on this issue.

**Ms. Janna Gertz, 194 West County Road B2**

Ms. Gertz explained she has borne the brunt over the years of some very difficult interactions directly with the current occupant of 210 and there has been no recourse to have a firm line to stand on. The city does not enforce their easement phenomenon there, the driveway is maybe fifteen feet wider now than it was five years ago, and no one she has talked to has done anything about that. In addition, all of the stuff from the driveway runs through the rest of the easement onto her property and she and her partner have been threatened physically and verbally. She wants resolution, an answer where there is some legal standing to deal with any continued undermining of her right to live on her own property without being harassed and threatened. She is told that this gives them a legal standing to respond and the city is not doing that in the interim so there needs to be some solution here.

**Ms. Betty Brach, 213 Grandview Avenue West**

Ms. Brach asked if she and her husband can show that the person living at 210 is not leaving trash all over and not moving the driveway, could this be considered again. She did not realize things were being said to Ms. Gertz, apologized for that, and stated it should not have happened at all.

**Mr. Dennis Brach, 213 Grandview Avenue West**

Mr. Brach indicated adding the thirty feet to 210 will not address any issue that the previous speaker brought up. The contentiousness between the occupant at 210 and the occupant at 194, giving the thirty feet will do nothing to address that but what he is trying to do is address the right of way issue for entry to the house and garage at 210. He did not see a good reason not to do it since the city does not want to put a street there. Ms. Brach explained there is no other place to put the driveway at 210 to access the house and garage.

With no one else appearing to speak, Mayor Roe closed the public hearing at approximately 8:30 p.m.

**Council Discussion**

Mayor Roe asked if the adjoining neighbor could refuse the vacated easement.

City Attorney Gaughan explained on a city-initiated vacation the city has the right to vacate the property without the property owners' consent and does have the right to compel vacation to the property owner. He explained this is not a solution to the strife going on between these property owners and is merely a vacation of a street right of way easement in this area. By doing so, it gives the property own-

ers at 194 and 193 more clear private property rights. It provides staff with the opportunity to proceed with code enforcement issues without the obfuscation that the city has been running up against about the existence of this street easement and how it relates to the existence of this pseudo driveway. He thought it was important to keep in mind that this is not “the” solution, this is simply the vacation of a portion of property that no longer serves a public purpose, will provide clear private property rights for 194 and 193, and will provide less opportunity for confusing of issues when city staff does attempt to take steps under the city’s code compliance processes.

Councilmember Etten clarified a question from Ms. Becker regarding taxes. Because she would be taking on the ownership of the property, she would be paying more taxes. He asked if this was accurate.

City Attorney Gaughan indicated he did not want to speak for the county because he did not know the tax situation and cannot give tax advice on this item.

Councilmember Etten asked if conditions could be put on a vacation.

City Attorney Gaughan explained it cannot because once the property is vacated, it is vacated. There is not a process to revoke a vacation.

Councilmember Etten asked if the vacation can be postponed until the fence is built.

Mayor Roe thought if a fence were built before vacation, the property owner at 210 would have to enter into an encroachment agreement with the city until the property is vacated, which could be done.

Councilmember Willmus wondered if the city could vacate a portion of this and divide it up that way. He thought the intent was to define where the property boundaries are and go forward by providing a specific property line for folks who are then able to enforce their private property rights. As the city, faced with the question of what the public benefit of is maintaining this, he thought by default it gets the Council to their answer and direction with the necessary vacation.

Willmus moved, Groff seconded, adoption of Resolution No. 11678 entitled, “Resolution Approving the Vacation of a Portion of Ida Avenue between Grandview Avenue and County Road B2.”

### **Council Discussion**

Councilmember Willmus explained to the property owners at 193, this is certainly not an easy decision to come to but he did believe that this will give them and the neighbor to the north the leverage needed to argue and take steps to make sure the



issues that have been happening cease. In that light, he is in support of this. He fully understands the argument of “thanks for the gift, but no thanks,” but thought, frankly, for 193 and 194 this is very likely the best path forward.

Councilmember Groff explained what sticks with him is that this will give staff clear enforcement rights.

Councilmember Etten concurred with the comments about the only reason for voting for this is the clarity of the legal situation for the adjoining properties. He noted the owners of 210, who seem like great people, have allowed a tenant on the property for years who has violated a lot of the city’s regulations and ongoing issues. There is something there for the owners of 210 to resolve with their own tenant.

Councilmember Laliberte indicated she was struggling with this as well and agreed with Councilmember Etten’s comments. The Council has acknowledged that the right of way did not have purpose anymore so for that reason, the city is not permitted to continue to keep it. That weighs heavily on her decision. The other piece is the right and ability for people to stand up for themselves and their rights, without a gray area in between where people are not able to protect their quality of life if they chose to do so.

Mayor Roe concurred with a lot of what has already been said. Looking at this from a technical view, clearly the city is not intending or does not have a purpose to construct a street in that location and the cost to do so would be prohibitive compared to the benefit of construction the street. Just from the technical view, it seems appropriate for the city to vacate the right of way. He indicated in some earlier decisions or intimations by city officials in previous conversations with neighboring property owners, and as alluded to in some of the material the Council received from the neighbors, there may have been a suggestion that a public purpose was the city maintaining the right of way as a buffer between properties. He thought that all it has done is create more of an obstacle because it creates a question that could be raised in proceedings of trying to enforce issues onto them that makes it more difficult to do the enforcement. The good intention of maintaining the right of way in past years seems actually to have had the opposite effect. He agreed that individuals have more ability to protect their rights on their own property. It is very important that the government is not possessing property that rightfully belongs to individuals when there is no public purpose. In this case, he thought individual property rights tend to trump what otherwise might be a potential benefit to the city of maintaining this right of way so he was in support of this motion for those reasons.

**Roll Call (Supermajority Required)**

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

**Nays:** None.

**Recess**

Mayor Roe recessed the meeting at approximately 8:45 p.m., and reconvened at approximately 8:51 p.m.

- e. **Public Hearing to Approve/Deny a 3.2% On Sale Liquor License for Mavericks Real Roast Beef, located at 1746 Lexington Avenue**  
Assistant City Manager Olson briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Mayor Roe reviewed public hearing protocol and opened and closed the public hearing at approximately 8:52 p.m. for the purpose of receiving public input on the above-referenced On Sale Liquor License for Mavericks Real Roast Beef located at 1746 Lexington Avenue; with no one appearing for or against.

Groff moved, Etten seconded, approval of Mavericks Real Roast Beefs request for a 3.2% On Sale Liquor License.

**Council Discussion**

Councilmember Groff indicated he looked forward to tasting the roast beef. Councilmember Etten noted he was supportive of this local business.

**Roll Call**

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

**Nays:** None.

- f. **Discussion Regarding Cash-in-Lieu Tree Replacement Requirement**  
Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Without objection, the Council directed the Planning Commission to hold a public hearing regarding amendments to City Code Section 1011.04.J.8 that decreases the maximum cash-in-lieu fee to 5% of assessed land value for single family lots.

- g. **Consider an Ordinance Amending Title 3, Business Regulations, and Title 10, Zoning regarding amusement uses**  
Senior Planner Bryan Lloyd briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Councilmember Willmus indicated with respect to firing ranges, the Planning Commission had allowed that language to stay with the caveat that the city has a process in place by which a potential applicant would have to notify neighbors in the surrounding area. In considering that, he had some conversation with Ms.

Gundlach with respect to different approaches and he would like to have further narrative from Ms. Gundlach on that Conditional Use process versus a licensing process. He did not think licensing would go far enough in alerting neighbors or other uses around where this might go. If left, there are considerations besides the typical conversation the city might like to see. There are environmental and noise concerns, etc. and he wondered how the city addresses those things if the Council chooses to go that direction.

Ms. Gundlach explained if the Council decides to remove the firearms range, then that type of business would not be permitted anywhere in the city. If the Council left it in, and as discussed at the Planning Commission meeting, the amendments presented includes the firearms range as a license. Just because the zoning code would leave the use in and list them as permitted, it does not mean those types of business are inherently permitted within those districts. It would still need to obtain a license. The discussion about the license versus the Conditional Use was that a Conditional Use runs with the land and a license runs with an operator or an applicant. The license criteria also has suspension and revocation criteria that staff thinks gives the city more leverage to review compliance and revoke or suspend as necessary as opposed to the Conditional Use.

Ms. Gundlach indicated the other problem with a Conditional Use is that no one could really quantify what negative land use impacts would be from such a use that could not necessarily be addressed by the license. She had a conversation with the City Attorney after the phone call with Councilmember Willmus about whether a license is the appropriate avenue to address some of these concerns. She thought the City Attorney was in agreement with her that it is. The license language, as presented in this code amendment, probably does not go far enough though about addressing the concerns. She was a little hesitant to try to draft all of the license language during the meeting. She suggested staff hear the Council's concerns, the primary one being if the Council wanted to provide public notice for these firearm range licenses, does the Council want to require a hearing and if so, how far should notification be. The section in the code that talks about public hearings goes out five hundred feet. That is farther than what the State Statutes require for a Conditional Use, which is only three hundred feet. Staff could then come back with the license language in an ordinance that captures what is discussed at the meeting, including some of the language that Mayor Roe sent.

Councilmember Groff asked if the Firearms Range was removed from this item, could the Council approve the rest of this.

Ms. Gundlach indicated that was correct. The definition of Indoor Entertainment Center specifically calls out firearm ranges. The Council could take that out of the definition and license requirement for firearm sales. Then firearm ranges are not allowed anywhere in the city, which is the current state of entertainment.

Councilmember Groff asked why this was brought forward if the city does not have that many people asking for it. Overwhelmingly, people calling him are saying it should not be allowed in the city. He did not understand why this is being brought up if there are not a bunch of people wanting this.

Ms. Gundlach explained there have been two businesses approaching staff in the last year looking to locate in the city. They were not able to locate here because the city code prohibited the use by basically being silent. As staff engaged in this much broader amusement discussion where all the different departments weighed in, this came up. There was consensus that as long as the staff was going through this effort, to bring it to the Council's attention. The prior time staff brought this forward to the Council, staff did not hear any feedback from the Council to have it removed so it was kept in. If the decision has changed, it could be removed but it would need to be removed from two sections.

Mayor Roe offered an opportunity for public comment.

### **Public Comment**

#### **Diane Hilden, Bayview Drive**

Ms. Hilden hoped the Council takes a strong look at and elicits a lot of public support whether there should be a firing range in Roseville. She watched the Planning Commission meeting and there was lots of discussion and feelings about firearms. She did not know if this was a necessity in this community as an amusement. She thought what was very important in regard to this, is that public notice be given that this is a consideration as an amusement in Roseville. She liked the idea of putting this off until more public comment can be made. The thought of amusement and firearm ranges does not seem to go together. She thought public input was mandatory and this was a civic city-wide issue, not a neighborhood issue. She knows there have been a lot of issues with closure of businesses in Roseville, but did not think this was the way to bring a lot of business to Roseville. She thought there was a lot of consideration for safety and also to set a good example for the youth within the community. She urged public input and also liked some of the recommendations she heard this evening and would like it to be remanded until sometime. Also, the Mayor should certainly have an opportunity at the wording because he has done well in other occasions. She thought it was very unfortunate that the city does not have the *Roseville Review* to be delivered to their doorsteps every week but this is something she would like to see in the city newsletter and to see more of this kind of thing in the city newsletter so there can be a discussion and the Council is better able to understand what perhaps the temperature of the city is regarding this.

Ms. Hilden noted what she saw at the Planning Commission was everyone seemed rather confused about what it would mean with respect to amusement, li-

censing, and whether it could be enforced. There just seems to be a lot that needs to be reviewed before any decision can be made.

**Marc Olivier**

Mr. Olivier explained he just found out about this around 6:30 this evening. He is on favor of a gun range in the City of Roseville for a number of reasons. One of the key things for him is the word amusement. Guns can be amusing and he did find them amusing but he was also respectful of them because there is a hazard and misuse of them. He did not have any idea how many people currently own guns in the City of Roseville. He personally did not care what other people do with guns as long as it is not a direct threat to him or anyone he cares about. Over the years his interest in firearms has ebbed and flowed. One of the things that happened that sparked his interest in being adamantly pro gun was the Sandy Hook shooting. He was watching television that morning when the news broke in at the end of the CBS Morning Show about the shooting and over the course of the next couple of weeks, he had heard and understood the various sitting officials had the attitude that anybody that owned a gun was guilty.

Mr. Olivier explained he inherited a firearm from his mother when she passed away and by the time he looked at it, the firearm had rusted. That is how often that rifle got used, looked at, and even considered. He thought a shooting range in Roseville would be a good asset for safety training and practice and a gun range can provide that.

Mayor Roe closed the public comment as no one else came forward to address the Council.

Councilmember Willmus indicated he was supportive of the direction the Planning Commission chose to go and would look to approach in that regard. When he looks across the community, he looks at Roseville High School which has a trapshooting club. He looks at the events that will be going on here across Woodhill Avenue this Wednesday with the DNR sponsored gun safety program. At the end of that gun safety program, the kids or teams need to go to a range to complete that training. There is frankly great pride in some of the Olympic Teams with the shooting competitions that certainly have their beginnings in local ranges. He thought this was something that could be a very healthy activity and he understood there are very polarizing views on it. He thought that the Council needed to look and find a solution and that there are a number of people in Roseville that would utilize a range in Roseville. When just looking at the raw data of the number of hunting licenses that are issued on an annualized basis and at licensure for permit to carry, 300,000 in the State of Minnesota and in any given year it is 40,000 to 60,000 new licenses each year. He thought if the Council does choose to go forward, it has to absolutely have a process in place by which neighbors of those uses might be aware of because there are legitimate concerns.

Councilmember Groff indicated he would not support a firing range in the City of Roseville. He thought Councilmember Willmus brought up some very good reasons to do it but a reason not to do it is the shooter at Sandy Hook practiced at a firing range with his mother and he ended up massacring all of those children so he would not support this as written. He would support having further conversations with the community and putting this off for a year or six months.

Mayor Roe explained one option is firearm ranges could be removed from the list of amusement definition and other sections and deal with it at another time. Another option is to attempt to bring the whole thing back as a package with some sort of licensing program in place.

Mayor Roe, as an initial threshold question, asked the council if there was any desire to simply eliminate indoor firearm ranges from the code language, keeping them a non-permitted use, with no further consideration of indoor firearm ranges whatsoever. Councilmember Groff expressed support for that approach, but failing further council support, Mayor Roe suggested that approach would not be pursued and therefore the question was how to proceed with allowing indoor firearm ranges and providing for adequate licensing

Willmus moved enactment of Ordinance No. 1581 entitled, "Ordinance Amending Title 3, Business Regulations, and Title 10, Zoning, repealing regulations of "amusements", making other associated changes, and establishing zoning regulations of Indoor Entertainment Centers," with the caveat that the city looks to and develop the licensing process as discussed earlier.

### **Council Discussion**

Mayor Roe thought it sounded like a motion to actually adopt the language as proposed.

Councilmember Willmus explained that was correct with an amended licensing process for the firearms component.

Mayor Roe asked if Councilmember Willmus was asking to adopt the ordinance as it is right now and then come back with additional ordinance language related to a licensing process.

Councilmember Willmus indicated that was correct.

Mayor Roe indicated he would like to simplify the motion to "yes, the city proceeds with some sort of licensing process as opposed to not allowing it as a use."

Councilmember Willmus thought that was fine.

Mayor Roe stated that would be a motion that gets to the question he had asked. He explained essentially this is a motion to not exclude indoor firearm ranges as a use in the city zoning code.

Willmus moved, Roe seconded a motion to not exclude indoor firearm ranges as a use in the city zoning code.

### **Council Discussion**

Councilmember Roe stated right now, he is not in a place that the city should exclude this as a use. He did believe that the city wants to be careful to not completely exclude what otherwise is a legal business in the community. He thinks about specifically the city's sexually oriented uses ordinance which says the city will allow certain types of legal sexually oriented uses in the city but is very restrictive about where the city allows those places such as only in certain zoning districts and only within certain distances of certain other types of uses. He also felt there were a lot of people who are adamantly opposed to the sale of alcohol and tobacco and yet those are certainly legal products that are available for sale and strict licensing requirements are set up for the sale of those items in the city. He believed there was an analogy to indoor firing ranges as a potential use in the city and he would be interested to explore a licensing process. He was not in favor of not allowing them as a use and would be voting in favor of the motion as restated.

Councilmember Groff indicated he would not be supporting this, felt it was being done quickly, and is not thoroughly thought out. If something happens in the City of Roseville due to this firing range, that is going to be on the heads of this Council so it should be thought about very carefully. There is a big difference between what Mayor Roe mentioned as being licensed and firearms. Firearms kill people and he thought this should be looked at carefully and be open for public discussion.

Councilmember Laliberte tended to agree with Councilmember Willmus and Mayor Roe regarding the legality of the business. She thought there were legitimate businesses that could be in the Roseville community or any other community that would teach firearm safety and actually promote the safe use of the firearms that are out in the community. With that being said she has pause about passing this tonight and coming back with licensing. She would prefer that it be done together.

Mayor Roe explained, to be clear, Councilmember Willmus redefined the motion to indicate that it was not a motion to pass something this evening necessarily, it was a motion related to whether or not allow firearm ranges as a use.

Councilmember Etten appreciated the restatement of the motion because he tended to agree with Councilmember Laliberte's thought that he would not want to pass this right now without further input and understanding of the licensing process dealing with location, lead exposure, and noise. He would not be supportive until this was fleshed out and there was more input from other folks. If this is whether this business can exist in the City of Roseville, he has a number of students that are members of the trapshooting team at Irondale and learning how to safely use weapons is a key part of having them safely in the community. He would support the motion if it is to simply say that the Council would approve this over time and he would not support approving this full ordinance at this time.

Mayor Roe indicated the motion is to simply say the city is not going to exclude, at this time, indoor firearm ranges from use consideration by the city.

### **Roll Call**

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

**Nays:** Groff

Mayor Roe noted the bigger question is how to move forward. He suggested that if there is not a pretty clear process in place, one option is to remove it currently and then to bring it back in at a later time. Another option is to not adopt anything at this time and come back with that part of it added in.

Councilmember Groff indicated he would support removing it now so that the city can move forward with the other items that the Council agree on because the rest of it seems pretty clearly acceptable to everyone and then revisit that portion after getting additional information and research and input from the community.

Groff moved, Etten seconded, enactment of Ordinance No. 1581 entitled, "Ordinance Amending Title 3, Business Regulations, and Title 10, Zoning, repealing regulations of "amusements", making other associated changes, and establishing zoning regulations of Indoor Entertainment Centers," removing the definition of indoor entertainment center with the reference to firearm shooting ranges and remove the reference to the firearms range from the fee schedule and remove the firearm range from the license requirement related to firearm sales.

### **Council Discussion**

Councilmember Groff thought staff had done a lot of work on this and the rest of this should be passed. For him, more information and research along with input from the community was important.

Councilmember Etten generally agreed with that.

Councilmember Willmus asked what the timeline would be for this.



Mayor Roe thought that would need to be discussed along with a process.

Councilmember Willmus explained one of the things Ms. Gundlach mentioned was that the Council could pass this with the language there and develop the licensing process at the same time, which would be his preferred path. He thought the motion on the table was essentially undoing the previous action.

Mayor Roe explained from a parliamentary point of view, a substitute motion can be made and seconded which would be the precedent and would be the first vote taken.

Councilmember Willmus indicated he would make that substitute motion.

Willmus moved enactment of Ordinance No. 1581 entitled, "Ordinance Amending Title 3, Business Regulations, and Title 10, Zoning, repealing regulations of "amusements", making other associated changes, and establishing zoning regulations of Indoor Entertainment Centers" as requested in the Request for Council Action.

Mayor Roe asked for a second to the motion, with no second being made the motion failed for lack of second.

Councilmember Laliberte asked what staff would envision for a timeline on coming back on the licensing piece of this.

Ms. Gundlach indicated she will not be at the meeting next week and that means preparing materials for the March 23, 2020 meeting would be difficult so she thought the earliest staff could bring this forward would be the first week in April.

Mayor Roe wanted to bring the Council's attention another topic related to the indoor amusements and that is where those are permitted. He referred the Council to the last page of Attachment C, which is the table of uses section. He noted that right now the city is not permitting indoor entertainment centers in the Neighborhood Business District or CMU1 or CMU2. Maybe the first piece of that might be a question to staff as to their rationale behind not permitting the Indoor Entertainment Centers in those districts. He could envision an Escape Room being perfectly fine in one of the commercial buildings adjacent to Lexington and Roselawn which is neighborhood business. He wanted to get to the notion that would the city consider perhaps putting Conditional in those areas or just permitted because those sites are small for something like a bowling alley.

Mr. Lloyd explained it really was just that neighborhood business sites and CMU1 and CMU2 were initially the notion that those areas are closer to single family neighborhoods and indoor entertainment centers are rather broadly con-

ceived and could be busy places, though the scale of the building at Lexington and Summer or Roselawn or County Road B, the building are small themselves and the scale of uses in the buildings would also necessarily be small. Properties there are not the larger commercial property seen elsewhere that can host larger structures. There is not any certainty that the uses would be large and busy, but the notion was focusing them more on the more major commercial areas and office park areas.

Mayor Roe asked if the Council wished to look at whether or not such uses should be completely not permitted in some of these districts or perhaps make conditional uses in some of the districts.

Councilmember Willmus was not sure he would want to see firearm ranges in neighborhood business.

Councilmember Laliberte thought if the Council was going to come back to talk about licensing, she did not want to come back and start messing with the table again. She would prefer to do it all at the same time.

Councilmember Etten agreed that the firearms piece puts out a new discussion. He did not know if there should be a separate table for that and a whole different section of code which could be a messy thing. He has been to Escape Rooms in other cities and agreed those types of businesses can be in a small building, next to other things. He understood the Mayor's point.

Councilmember Laliberte thought puzzle games and game rooms would be fully supported in a neighborhood area.

Mayor Roe thought it could be self-regulating due to the size of the potential lots, especially if the city considers the firearm range as a separate definition in the zoning code and a separate line item in the use tables.

Councilmember Etten preferred to leave it as it is, noting having community business in there offers a number of opportunities for things that are fairly close to residential areas if there is to be positive interaction at a game room. He thought there were enough opportunities in here and the city is opening a lot of doors.

Councilmember Groff noted there are businesses waiting to resolve some issues and the city has put them off long enough. He would like to move forward tonight with this portion.

Councilmember Willmus wondered who is waiting on the city for a decision to be made.

Ms. Gundlach indicated it is her understanding that there is a gentleman who wants to open a video game business in the Community Business Zone, and he is waiting on whether he needs the Condition Use or Business License.

Councilmember Willmus asked what it would do to that application if this were brought back to the April 13, 2020 meeting.

Ms. Gundlach indicated she did not know. This gentleman knows of this meeting date and plans to call her tomorrow to find out what the action was. But she has not had a conversation with him about if there is a delay, what does that mean for him.

Councilmember Willmus asked if there was a formal application in.

Ms. Gundlach indicated a formal application has not been made yet.

Willmus moved, Laliberte seconded, tabling this conversation until the city Council meeting on April 13, 2020, at which time staff can bring back licensure component as well and have that conversation at the same time.

#### **Roll Call**

**Ayes:** Willmus, Laliberte.

**Nays:** Groff, Etten and Roe.

Motion failed.

Roe moved, Etten seconded, to amend the not permitted in CMU2 to be permitted.

#### **Council Discussion**

Mayor Roe thought it was parallel to the community business and CMU1 was the primary buffer between single family residential in that area. He supportive of that change.

Councilmember Etten concurred.

Councilmember Willmus asked if the Council came back and added a firearm language into this, then a separate standalone table will need to be developed.

Mayor Roe indicated he did not know.

Councilmember Willmus asked why this change is being made now because it might have to be changed back.

Mayor Roe indicated he might allow firearm ranges in CMU2.

Councilmember Groff indicated he would support it and thought it was a reasonable use for the area.

**Roll Call on Amendment**

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

**Nays:** None

**Roll Call (Original Motion, as Amended)**

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

**Nays:** None

Etten moved, Groff seconded, approving publication of Ordinance Summary No. 1581 "An Ordinance Amending Title 3, Business Licensing, Repealing Regulations of "Amusements" and Making Other Associated Changes, and Amending Title 10, Zoning, Establishing Zoning Regulations Of Indoor Entertainment Centers."

**Roll Call (Supermajority Required)**

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

**Nays:** None

**h. Discussion to Finalize 2020 Community Survey and Authorize Arrangement of a Professional Service Agreement with Morris Leatherman Company to Conduct the Survey.**

Communications Manager Garry Bowman briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Mayor Roe thought the Council tended to agree that the real question at issue is the organized collection question. He asked if there were any issues from the Council with any of the other proposed language.

Councilmember Etten asked on Attachment A, first page, regarding park buildings question 30, did not seem to be a complete question. He indicated he actually liked what was asked in the previous one which is to the left of this question.

Mr. Bowman indicated the "If No" question relates to question 29. Which is pretty parallel to questions 29 and 30 in the 2018 questions.

Councilmember Etten indicated in question 29 the word "new" needs to be removed and in question 30.

Councilmember Willmus stated on Attachment A, the second page where it says questions 91-92, on the right-hand side of the column, he would leave the lead in. But with question 91, he would strike and insert the bench handout the Council has with the change of Shorewood to Roseville if the question is going to be kept in.

Mayor Roe thought the question from Shorewood seemed to be not much better than the question presented. The question presented is responsive to Council discussion.

Councilmember Etten tended to agree that it was somewhat responsive to the Council discussion and he appreciated the work that has been done to respond to lots of the discussion at the last meeting on this. He thought Councilmember Willmus' point on the other one is that it is a little more straight forward.

Mayor Roe suggested making the Shorewood question even clearer to say "from the current system in which residents ~~are free to~~ choose their trash hauler..."

The Council concurred.

Councilmember Laliberte explained the city has been keeping this question, and rewording it, and the idea was if the question were kept in it would stay the same and the city would be able to measure change from year to year. She did not think this had come up when discussing city priorities over the last three years so if it is going to be kept in, she was supportive of the new language but asked if this is something the city is going to spend time on.

Councilmember Willmus indicated he would like to keep this question in because it is a question that really gets at the core of whether the residents want the city to manage garbage collection.

The council preferred to use the Shorewood question on trash collection (as amended here.)

Etten moved, Willmus seconded, approving the 2020 Community Survey questions and arrange a Professional Services Agreement with Morris Leatherman Company to conduct a Community Survey of Roseville residents to be completed in April 2020.

**Roll Call**

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

**Nays:** None

- i. **Consider Adoption of an Ordinance Amending City Code Chapter 306: Cigarette and Tobacco Products**

Assistant City Manager Olson briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Mayor Roe offered an opportunity for public comment.

**Public Comment**

**Ms. Jamie Weigam, St. Paul**

Ms. Weigam explained she was a volunteer with the Association for Non-Smokers Minnesota and supported the ordinance.

Mayor Roe closed the public comment as no one else came forward to address the Council.

Willmus moved, Laliberte seconded, enactment of Ordinance No. 1582 entitled, "An Ordinance Amending Title 3, Section 306.08; Relating to Tobacco Products, Enforcement."

**Roll Call**

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

**Nays:** None

Etten moved, Groff seconded, to continue the meeting until the agenda is complete.

Councilmember Willmus asked to make a substitute motion.

Willmus moved, Etten seconded, to continue the meeting striking Item 7K (Consider Appointment of City Council Representatives to Visit Roseville Board and the 35W North Gateway Policy Advisory Committee).

**Roll Call**

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

**Nays:** None

Passage of the substitute motion made the original motion moot and no action was taken on the original motion.

**j. Appoint Members to Parks and Recreation, Police Civil Service and Public Works Environment and Transportation Commissions**

Assistant City Manager Rebecca Olson briefly highlighted this item as detailed in the Request for Council Action and related attachments dated March 9, 2020.

Etten moved, Willmus seconded, appoint Michelle Lennart to the Parks and Recreation Commission for a term ending March 31, 2023.

### **Council Discussion**

Councilmember Etten explained Mr. Lennart is new to the community but had her kids in the community programming, is someone who is vital and energized, her family will be involved in many of the park and recreation programming, and she will provide important input to that Commission.

Councilmember Laliberte indicated she was going to put in a good word for Rebecca Gilovich. She was not present for those interviews but watched them and was very impressed by the depth of knowledge and experience in the natural sustainability of the parks. She felt she would make a great addition as well.

Councilmember Groff indicated all of the candidates were stellar during the interviews.

Mayor Roe indicated he was very tempted to speak in opposition because Ms. Lennart was his strong favorite for the Public Works, Environment and Transportation Commission. He felt she was so much better in a lot of different areas and issues and would really actually prefer appointing her to the PWETC if that is the will of Council.

Councilmember Willmus moved Jared Cicha for Public Works, Environment and Transportation Commission.

Mayor Roe ruled the motion was out of order because of the fact it is not a substitute or an amendment to the motion on the floor.

Councilmember Groff indicated he was very torn because she was also his first pick for the PWETC.

### **Roll Call**

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

**Nays:** None.

Willmus moved, Laliberte seconded, appoint Jared Cicha to the Public Works, Environment and Transportation Commission for terms ending March 31, 2023.

### **Council Discussion**

Councilmember Willmus thought what this person brought to the table with respect to public works was his background of water and geology and things like that. For him, this is something that is actually missing from the Commission right now and why he felt so strongly about that appointment.

Councilmember Laliberte agreed.

**Roll Call**

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

**Nays:** None

Etten moved, Groff seconded, appoint Bob Murphy to the Police Civil Service Commission for a term ending March 31, 2021 and appoint Adepeju Solarin for a term ending March 31, 2023.

**Council Discussion**

Councilmember Etten thought Mr. Murphy brought a great background in the public safety world and Ms. Solarin is a bright, energized person.

Councilmember Groff agreed with those comments and also Mr. Murphy was the Chair of the Planning Commission for many years and does really good work. He also thought having some variety of gender is important along with the variety of people's background.

**Roll Call**

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

**Nays:** None

- k. Consider Appointment of City Council Representatives to Visit Roseville Board and the 35W Gateway Policy Advisory Committee**

Removed from the agenda and will come back at a future city Council meeting.

- l. Consider a Request to Perform an Abatement for Unresolved Violations of City Code at 182 S. McCarrons Blvd.**

Removed from the agenda.

**8. 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 February 24, 2020 City Council Meeting Minutes**

Etten moved, Groff seconded, approval of the February 24, 2020 City Council Meeting Minutes as presented.

**Roll Call**

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

**Nays:** None.



**9. Approve Consent Agenda**

At the request of Mayor Roe, Assistant City Manager Olson briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated March 9, 2020 and related attachments.

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

**Roll Call**

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

**Nays:** None.

**a. Approve Payments**

ACH Payments	\$842,688.70
95815-95942	405,821.23
<b>TOTAL</b>	<b>\$1,248,509.93</b>

**b. Approve 2 Temporary Liquor Licenses**

**c. Approve General Purchases or Sale of Surplus Items Exceeding \$5,000**

**d. Removed from the Agenda**

**e. Receive 2019 Police Forfeiture Accounts Summary**

**f. Consider Resolution Approving the Release of Temporary Easement at Macy's Outlot**

**g. Approve Resolution Approving Earnest Money Contract and the Acquisition of Easement at 517 Wagner Street**

**h. Authorize Mayor and City Manager to Execute a Professional Services Agreement with the Saint Paul Area Chamber of Commerce and a Cooperative Funding Agreement with the Cities of Maplewood and St. Paul Regarding 2020 Funding of the Rice & Larpenteur Alliance**

**10. Future Agenda Review, Communications, Reports, and Announcements – Council and City Manager**

None

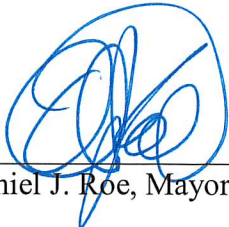
**11. Adjourn**

Willmus moved, Groff seconded, adjournment of the meeting at approximately 10:12 p.m.

**Roll Call**

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

**Nays:** None.

  
\_\_\_\_\_  
Daniel J. Roe, Mayor

ATTEST:

  
\_\_\_\_\_  
Rebeca Olson, Assistant City Manager