



**Regular City Council Meeting Minutes  
City Hall Council Chambers, 2660 Civic Center Drive  
Monday, July 27, 2020**

*Pursuant to Minn. Stat. 13.D.021, City Council members, City Staff, and members of the public participated in this meeting electronically due to the COVID-19 pandemic.*

**1. Roll Call**

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

**2. Pledge of Allegiance**

**3. Approve Agenda**

City Manager Trudgeon requested removal of Item 7c (Public Hearing to Approve/Deny an On-Sale 3.2 % Liquor License for Roseville Centre Lodging dba Avid by IHG, located at 3015 Center Pointe Drive) from the agenda as requested by the applicant.

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

**Roll Call**

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

**Nays:** None.

**4. Public Comment**

Mayor Roe called for public comment by members of the audience on any non-agenda items.

**Ms. Sherry Sanders, Roseville**

Ms. Sanders commented that she was very happy to see the Black Lives Matter sign on the city electronic signs. She also thanked Councilmember Groff for his response on his Facebook page about Black Lives Matter. She thought that was important and it was appreciated.

**Ms. Karensa Fischer, McCarrons Neighborhood**

Ms. Fischer explained she attended her first city Council meeting last week and she was listening to a lot of the public comments and one of the commenters indicated that she was afraid to sleep at night with her lights off and she was thinking how brave a person had to be to make a public comment in these meetings. She thought if the City is talking about engaging the community, perhaps requiring people to provide their personal residence

could be one of those barriers and a reason for someone not wanting to comment, especially if that person is worried about being targeted for any reason. She felt racial tension is growing in Roseville and that requirement to provide an address could be a large barrier. She understood the need to know that the commenters are residents of Roseville, but felt there must be a different way so that the personal address does not need to be broadcast across the entire city. One of the thoughts she had was in order for her to join the meeting, she had to fill a very short form online and perhaps that was a place from which the City could glean that information. She also emailed this issue to the Council after the last meeting and appreciated the response she received from two of the Councilmembers.

Mayor Roe indicated he appreciated the email and did remind people that when dealing with a land use item, the address is usually very helpful to have but during other public comment providing just one's street name if a resident of Roseville or the city, if the speaker does not live in Roseville, may be acceptable.

**Ms. Keely Vandre, 2458 Holton Street**

Ms. Vandre appreciated the perspective being shared about the concern regarding sharing the address. She acknowledged how powerful it was while on her run last week to see on County Road C a public declaration in at least two prominent locations that Black Lives do matter here in Roseville and hoped it will be an ongoing message and that it means that the Council, as elected officials, are signaling to the public that the Council is ready to engage in the work that backs up those words. She would like to echo a few concrete steps that need to be a priority, including a fully funded and empowered HRIEC, the role of a racial equity coordinator or director that would advise the Council and other city administrators, increased diversity in the housing and business contracts that the City prioritizes and a new Imagine Roseville process that begins now. The public that has been pushing the City on these issues will continue to return to these meetings each week and ask that the City let them know how the City is working on these requests and other equity issues and will partner with the City as the City allows that to happen again.

Mayor Roe noted a number of Councilmembers have reached out to staff regarding the Imagine Roseville topic and there are a few things that are going on in the city that maybe not everybody in the public is even aware of but that might be good things to bring forward as a topic for discussion and certainly community input through the Imagine Roseville conversation continues.

- 5. Recognitions, Donations, and Communications**
- 6. Items Removed from Consent Agenda**
- 7. Business Items**
  - a. Receive Update on COVID-19 and Impact on City Operations**

Assistant Fire Chief Brosnahan updated the Council on COVID-19 operations and call volumes for the Fire Department.

City Manager Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 27, 2020.

Mayor Roe asked for Council feedback on upcoming city meetings, whether the meetings should still be on Zoom or some type of hybrid meeting.

Councilmember Etten thought it would be fine to go with a hybrid meeting unless it is expected to have a lot of public comment. He would be concerned about jumping in as a hybrid meeting and then having a lot of residents showing up for an item to comment. He thought staying online for agendas where the City expects a lot of people to attend, would be appropriate and the safest way to go.

Councilmember Groff indicated he would prefer the online meetings for now and echoed Councilmember Etten's comments.

Councilmember Willmus concurred and felt the USA is still pretty much in the midst of this Pandemic and he has actually found this platform working very well and did not see the rush to crowd Council Chambers with large numbers of people and potentially causing issues in an indoor enclosed environment.

Councilmember Laliberte concurred and added the first meeting she did in March was a hybrid meeting in which she was at City Hall and it seemed to work fine. But she would agree that the city is still in the midst of this, things can change fairly quickly, and people may not always know that they are A-symptomatic and unknowingly exposing others.

Mayor Roe echoed what the Council has stated, and he thought the consensus is to continue with the virtual meetings until further notice.

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

**b. Public Hearing to Approve/Deny an On-Sale Wine and 3.2% Liquor License for Karta Thai 4 Ink dba Karta Thai Restaurant, located at 1889 Perimeter Drive**

Assistant City Manager Rebecca Olson briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 27, 2020.

Mayor Roe reviewed public hearing protocol and opened and closed the public hearing at approximately 6:40 p.m. for the purpose of receiving public input on the above-referenced On-Sale Wine and 3.2% Liquor License approval for Karta Thai 4 Ink dba Kara Thai Restaurant, located at 1889 Perimeter Drive; with no one indicating a desire to speak for or against.

Etten moved, Groff seconded, approval of Karta Thai's request for an On-Sale Wine and 3.2% Liquor License, pending a successful background investigation.

**Roll Call**

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

**Nays:** None.

- c. **Public Hearing to Approve/Deny an On-Sale 3.2 % Liquor License for Roseville Centre Lodging dba Avid by IHG, located at 3015 Center Pointe Drive**  
Removed from the agenda as requested by the applicant.
- d. **Adopt a Resolution Authorizing Administration of Coronavirus Relief Funds by the Roseville Economic Development Authority**  
Housing and Economic Development Program Manager Jeanne Kelsey briefly highlighted this item as detailed in the Request For Council Action and related attachments dated July 27, 2020.

Mayor Roe offered an opportunity for public comment with no one indicating a desire to speak.

Etten moved, Laliberte seconded, adoption of Resolution No. 11726 entitled, "Resolution Authorizing Administration of Coronavirus Relief Funds by the Roseville Economic Development Authority."

**Council Discussion**

Councilmember Etten appreciated staff's work on finding ways to help the community using these CARES dollars. He noted he was pleased with the discussion the Council had last week.

Councilmember Laliberte concurred and was glad to see this used as a way to support housing as well as the businesses.

**Roll Call**

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

**Nays:** None

Mayor Roe adjourned the meeting at approximately 6:51 p.m. to convene the EDA meeting. (See separate EDA meeting minutes of 07/27/2020.)

The Council meeting reconvened at approximately 6:55 p.m.

f. **Consider A Resolution Regarding a Comprehensive Plan Land Use Map Change, a Rezoning Ordinance, and a Resolution Regarding the Midland Legacy Estate 2<sup>nd</sup> Addition Preliminary Plat Subdividing the Subject Property into 19 Lots for a Single-Family, Detached Townhome Development**

Senior Planner Bryan Lloyd briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 27, 2020.

Councilmember Etten indicated he had some questions regarding the wetland. In the RCA it says, “the required fifty-foot wetland setback would be measured from the delineated boundary as approved by the Watershed District at the time of construction”. He wondered how that played out with a plan to lower the drainpipe and reduce the long term holding of water hoping to make some of the plats more buildable.

Mr. Lloyd explained he was not much of an expert on the wetlands, but his understanding is that the size and boundary of wetlands do change over time. Dryer years have the effect of reducing the size and constraining the boundaries of wetlands while wetter years have the opposite effect. It seems plausible and is the applicant’s intention that with the change in the stormwater infrastructure that allows the water to pass through the area more quickly than accumulate over time, that could have the effect of reducing the size of the wetland. The ramification of the wetland size is not strictly speaking with respect to the plat, to the subdivision and the lots themselves but to the location of buildings and other improvements on those properties, which themselves, could be some years in the future.

City Engineer Jesse Freihammer clarified that the applicant is interested in reducing the area of the wetland. Currently the wetland is delineated and there is an approved wetland approved by the Rice Creek Watershed District and in order for that to be modified or changed, the applicant will have to appeal that decision or get it re-assigned on by the Watershed District to do that. If the Watershed District did agree that the boundary is smaller for whatever reason, then the City would apply the setback from that. The applicant does have to go through the Rice Creek Watershed District to finalize that decision. The District will look at the existing old drainage, etc. and then come to their decision. When it comes to approving the stormwater plan, the City will still have input on that because the wetland does perform a function of holding water right now and the City does not want to increased runoff from either the new impervious or the reduced footprint.

Councilmember Etten noted neither staff member answered the RCA wording stating “the required fifty-foot wetland setback would be measured from the delineated boundary as approved by the Watershed District at the time of construction”, is staff indicating that it is possible that the Rice Creek Watershed District could shrink it, if approved, in the next month or whatever the District has delineated is and will remain what it is even if the pipe is lowered.

Mr. Freihammer indicated the current boundary is the approved one and the applicant would have to appeal to change that and go through their process. He was not sure what the timeframe would be for that.

Councilmember Etten indicated he did not see anything on the current preliminary plat or any of the designs showing what happens with this new water with the impervious surfaces. He thought what the applicant was trying to do was reduce the size of the current wetland while adding eighteen homes and a road to a space and he did not understand how that works because there is no room.

Mr. Freihammer indicated preliminarily there are some stormwater features in the proposal. There is a stormwater basin to do the treatment and storage. He noted there has not been any approval of that yet. Ultimately, the overall drainage area for that wetland is pretty minimal so there is not a lot of water actually going to that basin. Any new impervious that will go in has to be approved by the Rice Creek Watershed District and in this case, the applicant would have to actually reduce rate to eighty percent of preexisting conditions.

Councilmember Willmus indicated in the staff comments that the wetland is not performing as intended, he wondered where the City is receiving that information and is that something that Rice Creek Watershed District has told the City or is that something that is coming from the developer.

Mr. Lloyd indicated a little bit is coming from the city's own information and a little bit is coming from the developer. He noted the developer discovered that the existing outlet, to the regional storm pond across Highway 36 was observed to be substantially higher in elevation than the specifications from the earlier construction documents.

Councilmember Willmus thought that would be something easy for staff to verify with Rice Creek Watershed District and he wondered if staff has done that.

Mr. Lloyd indicated he has not communicated with the Watershed District regarding this.

Mr. Freihammer explained he met with the developer and indicated the discussion needs to be with the Watershed District because that entity needs to ultimately decide if that is the reason why it is a bigger wetland than it should be, or if that is the way it is and is performing correctly.

Mayor Roe asked if this was not installed at the right elevation or was he misinterpreting that.

Mr. Lloyd indicated he was not sure if there was evidence of it being installed incorrectly or if something has happened to raise it over time. The allegation was not

made that it was done incorrectly, it is unknown, exactly, why it is at its current elevation.

Councilmember Groff asked what the Watershed District considers historical wetlands, noting that this wetland has been there 42 years or more and the wildlife there does not know if it is historical or not and are using the wetland as it is. The other concern he had is the drainage issue, because anytime a lot of roads or driveways are put in, there is going to be more water coming off of it. The other development up off Stonecrest has some properties that are having issues with water now due to covering up the surface. He noted he was very concerned about that part of it and asked for clarification on what a historical wetland is and what the number of years have to be there before it is considered historical.

Mr. Freihammer indicated when the Watershed District looks at the wetlands, the District uses old aerial photos to see if there is a change in vegetation and where historical high-water marks were. He thought in the 1950's was when the course of use history went in and when the City probably put in the pipe outlet. Prior to that, there was probably no outlet at all for that area. The basin probably never had any overflow. He thought in the 70's when a portion of County Road B got modified more water was potentially being drained into there. The City has some records, but it is not super detailed and is stuff that Rice Creek would ultimately look at in their review to see if the wetland changed and if it warranted a lesser or larger area.

Councilmember Laliberte explained based on what she was reading and Mr. Freihammer's comments, the runoff would have to be reduced by twenty percent before any development takes place.

Mr. Freihammer indicated that was correct.

Mayor Roe asked if there was a representative from the developer who would like to address the City Council.

Mr. Todd Ganz, representative for the developer, explained he has talked with the Rice Creek Watershed District six different times and has also been dealing with Mr. Hogg, the company that did the delineation and changes have been made and resubmitted it. The first thing the Council needs to know is that the Rice Creek Watershed District does not call this a wetland. The District calls it a stormwater wetland and so the District has no setbacks or buffers around the stormwater wetland. He noted information in the packet shows the wetland back in 1942, 1948, and 1952, was .33 percent of an acre. The wetland that is on the delineation right now with the stormwater coming into it has grown to three-quarters of an acre.

Mr. Ganz explained he was walking on the north side looking at the north drain and what he found out is that before the wetland delineation got started from the previous offer that was on this project, somebody from the family who owns this property dug a trench that was two feet deep and probably seventy feet long through the ground that had filled in over the decades, silt, leaves, and trees have blocked it. He explained he put in an offer on this same project three years ago and when he walked out there, he saw the three-quarters of an acre's stormwater wetland was full of water because it was blocked on the north end. When the other offer came through, someone dug the trench and it drained it down so the only place where there is water now is in the original area, which is the .33 percent of an acre.

Mr. Ganz explained once his company found all of this stuff, his company started to shoot elevations on the north drainage area and the south inlet area. The north area drainage was supposed to be put in at 839 and was put in at 840.4 and that is where the elevation is on that drain now.

Mr. Ganz explained that he and Mr. Hogg are going to go meet with the Watershed District and go through all of the elevations so the right decision can be made for existing true wetland and the stormwater line. He noted catch basin ponds will be added to the development for access water. He noted under the zoning section, medium density, in comparison to the LDR-1 currently there, if the development could use the five acres that is currently there, the density would be at a twenty unit in an LDR-1, just within the space that is there. Mr. Ganz introduced Mr. Jim Seabold, a partner and real estate agent.

Mr. Jim Seabold addressed the Council regarding the zoning and type of product that will be built in the development.

Mayor Roe noted the City received correspondence from residents through email, at the Planning Commission Public Hearing, and by phone, and the Council understands the general view of the residents in the area and the issues that have been raised.

Mayor Roe offered an opportunity for public comment.

**Ms. Sue Dunwell, 2253 St. Croix Street**

Ms. Dunwell explained she was strongly opposed to this development. She noted this does not personally affect them but for all of the neighbors down the line to County Road B, it does. Her major objection is the road the developer is intending to put in behind the current property owner's property, which destroys all those residents have done in their backyard to provide more privacy for themselves. These people have lived in this neighborhood for many years, she has been in Roseville for 45 years, and has seen many other so-called city improvements which she did not really like. But if a development is to go in there, she would like that development to come in from Eustis Street rather than build a new road that would



destroy their area. What the residents would all prefer is a park, a rustic walking area to provide shade and a walking path for the residents in this area of town and to protect the land and wildlife and gorgeous trees that are there.

**Mr. Cal Ross, 2189 St. Croix Street**

Mr. Ross explained as we get into the technicalities of the wetland, he has also spoken to the Rice Creek Watershed District. He is a licensed contractor and has been doing this for over thirty years. He understands what a wetland is and while working at the Builders Association of Minnesota, he addressed these issues with the Rice Creek Watershed District and the State of Minnesota. What he is really failing to understand is that at no point, at the Rice Creek Watershed District, has anyone stated these are stormwater runoffs. When these were addressed, he did not have any clue where the elevations came from and where the drains were located. He did not know at what height these are supposed to be but for somebody to have to dig two feet to try to drain that wetland out, he found the Rice Creek Watershed and the State of Minnesota Water would have fined anybody who tried to alter that wetland.

Mr. Ross explained the design of this as proposed, is private property and the owners have the ability and right to sell it to whomever the owner wants and at the best price. But as it stands right now, he is one of those people that is going to be able to enjoy nine sets of headlights, every morning and evening, coming out of garages facing his property and destroying the privacy that he has built. He has made a great investment in his property by putting in a pool and has done everything he can to preserve wildlife. He noted there is another issue to take into consideration, the land to the north and west is higher so the only way that water can run right now is to the north. When the twenty percent is talked about that the developer has to accomplish, the only other way to do this is to run nine townhomes, as proposed now, to the road that will run directly next to his property and run the rainwater that way. He did not think there was going to be enough pond holding to facilitate the runoff incurred with those properties. The point that most of the neighbors have been trying to get to is that the residents were told the Parks Department has been trying for years to find a way to accommodate and appropriate that parcel of land for a park for the wildlife and nature. He was also told by someone in the city there was a bonding bill of twenty million dollars that was supposed to be dedicated for park acquisition and repair. That is what he sees the neighbors wanting and trying to get this resolved, preferably for the Shannon family and also for the residents in the neighborhood.

**Ms. Nancy Nelson**

Ms. Nelson mentioned that the developer wants the City to vacate the turnaround next to the piece of County Road B that has already been vacated and the apartment building. But, the residents need the turnaround for school buses and also need it because semi-trucks keep coming down County Road B because the dead-end sign or the no outlet sign cannot be read. The developer also wants to make Eustis go

directly into County Road B rather than coming down along the property. She noted this is a safety issue because there is nowhere else to turn around.

Ms. Nelson noted no one from the City has talked to the Shannon family in years, it has fallen through the cracks, and she thought it would be good for the City to make a decent offer to the family. She did not think this project with nineteen homes in this small of space fit in with the neighborhood.

**Mr. Tom Dunwell**

Mr. Dunwell thought this is certainly a large development for this small area of the city that is cut off from everything, noting a seventy percent increase in traffic would upset anyone. He thought the development, as proposed, is a terrible layout from a planning perspective, especially when the street is placed on the external portion of the development instead of like Stonecrest where all of the traffic is located inside and the driveways were pulled off the inside area. That is the way a development should be. He stated everything is squeezed so tight to try to get so many units in this proposal and he was adamantly opposed to this.

Mr. Lloyd indicated the last couple of residents spoke that there will be a seventy percent increase in traffic, while the traffic numbers would go up, he believed the City Engineer's estimate was closer to ten percent than the seventy percent discussed.

**Ms. Carolyn Lokensgard, 2169 Fulham Street**

Ms. Lokensgard agreed with the neighbors who have already spoken. She wanted to speak up regarding the demand for this type of expensive housing, and to counter by saying there is a demand for parks, preserving wildlife and old growth trees, and providing some free area for all of Roseville to come and enjoy a park. She disagreed that this land would be difficult to turn into parkland. This could be turned into an area where people could come and wander and sit and enjoy nature. She questioned why there needs to be continued development and why this cannot be preserved and protected for the community.

**Mr. David Ostrom, St. Croix Street**

2233 Mr. Ostrom explained he lives on St. Croix Street and would be one of the properties directly affected by this development. He noted he has written several letters and his wife has called several Planning Commission Members and Councilmembers and both have been very vocal in their displeasure of this proposed development. He agreed with what his neighbors have said, and wanted to reiterate the imbalance of park land between this area of Roseville and the east side. He wondered when the development will end. The reason his family purchased their property is because it is an oasis but that will be lost if a development were allowed. He also asked that the issue regarding the wetlands be verified independently.

**Mr. John Lomnicki, 2190 St. Croix Street**

Mr. Lomnicki explained he is a twenty-year resident and was against this rezoning and development without a park.

**Ms. Mary Manns, St. Croix Street**

Ms. Manns explained their home just sold on St. Croix Street. She noted her family had lived there for over fifty years and loved the neighborhood and the people who live there. She indicated there were probably a thousand people who signed the petition against this development. The Planning and Parks Commissions have all received hundreds of letters. The neighborhood is unanimously against this development and she thought the Council needed to take that into great consideration.

**Mr. Kevin Prettyman, 2194 St. Croix Street**

Mr. Prettyman reiterated what his neighbors already said. He explained he is a third-generation owner of the property and intended on giving the house to his family at some point so this piece of land is not changing hands. He explained his children deserve a park in this area. His family routinely bikes to parks in Roseville and there is nothing in this area left to provide a park. This property has wildlife and nature on it, and he would like that preserved. He asked what will happen to the berm on the west side of County Road B if this development goes in. The residents were told this was the safety berm for the Fire Department, if needed, and if it is gone, what is the neighborhoods secondary access. He asked the Council to keep this property LDR-1 so that only five or six homes could be developed on this land if the City cannot come to an agreement with the Shannon family on a park.

**Ms. Jessica Lundin, County Road B and Fairways Lane**

Ms. Lundin indicated she has lived in her home for nine years and her grandparents built the home. Her family is against this development and the major concern would be the turn around.

**Mr. Paul Wallace, Fulham Street**

Mr. Wallace expressed that the plan as proposed does not support the wellbeing of this community or the City of Roseville. He thought this was a plan that does not build a good legacy for this community or Roseville and a much more balanced plan could be brought forward.

**Mr. Martineau, 2211 St. Croix Street**

Mr. Martineau stated he personally objected to this development and has written letters to the City as well. He has some concern about what is being stated by the developer regarding the wetland area.

**Ms. Skye Cook**

Ms. Skye Cook introduced her partner Matt who spoke regarding the development.

**Matt (No last name given) 2281 Laurie Rd**

Matt stated he has not been represented yet on the petition or email. He indicated he was against this development and would like the City to purchase the property and develop it into a park for the community.

Mayor Roe closed public comment and asked for Council comments.

### **Council Discussion**

Mayor Roe thanked everyone who commented on this item. He concurred with Mr. Lloyd that the seventy percent increase in traffic did not seem to match the number of homes going in versus what is already there and believed it is a lower impact. As to the City providing funding for this project, there is not any request before the City to provide funding that he is aware of. The only thing he is aware of is the vacation of some roadway easements and if the City does not have a value for the easements, then the City could vacate them and cannot necessarily hang onto them.

Mr. Lloyd indicated the vacation action is not a part of the actions for tonight.

Groff moved, Willmus seconded, denial of the Comprehensive Plan Land Use Map Change from Low-Density Residential to Medium Density Residential, based on the content of this RCA, public input, and the recommendation of the Planning Commission, and City Council deliberation, pursuant to the following findings:

1. The proposal for a 19-lot plat of narrower-width lots under Medium Density Residential zoning designation would conflict with a Comprehensive Plan goal that desires to “encourage development of neighborhood identities to build a sense of community and foster neighborhood communications, planning, and decision making”.
2. The presence of the wetland, intent to fill a portion of the wetland, storm water alterations, and the need to remove a significant number of trees conflicts with a Comprehensive Plan goal to support “creative and sustainable redevelopment policies” and would have a negative effect towards the advancement of “environmental best practices to protect, maintain, and enhance natural ecological systems.”

### **Council Discussion**

Councilmember Etten asked Councilmember Groff if finding 1 was due to narrower lot width or could it be added the roadway going along the east side of the property affecting neighbors and existing properties.

Councilmember Groff thought that should be added because the roadway along the east side of the property is a major design flaw as far as the residents who live along there. He did not see that happening in other areas of Roseville.

Councilmember Groff indicated he would accept that as a friendly amendment.

Councilmember Willmus concurred. He thought it was also important to note that in Roseville, there are circumstances where there are thru lots. He also thought the City needed to take into context when those came to be, a considerable time ago. When he initially learned of this potential development one of the things he was intrigued by is a need in Roseville for this type of product. But he thought in this situation, given the constraint of the property and proximity of roadways laying adjacent to existing properties, the City is creating an undue burden upon the existing property owners that surround this property. That is one of the concerns he has with respect to and in addition to creating thru lots by these parcel that are not part of the development. The other part of this that concerns him, is that this is a preliminary plat and the Council has significant questions that remain with respect to the wetland. Those are certainly identified as one of the two potential findings coming into this and he would certainly stress that concern.

Councilmember Etten explained when he looked at this, the city has a similar housing type proposed on the other side of Eustis which was approved. He thought that is based on the understanding that this is a type of housing is in demand in the City of Roseville. This site is unique in its pieces. He thought the two pieces that are unique are the thru roadway along neighbors' yards as well as the wetland consideration. He noted there was a great deal of unsolved issues around the wetlands and proper concerns by neighbors as well as the City around how those will affect not only neighbors but the wetland with the proposed platting. As far as he is concerned, those two things make this unique and the reason why he would not support the Comprehensive Plan or Zoning Change or the Preliminary Plat.

Councilmember Laliberte concurred and was happy to support the two findings that were provided and discussed previously by the Planning Commission. She also supported the new findings that have been added. She had concern with the wetland and the lack of definitive information so there is a lot that is being assumed which she is not comfortable doing because it does not and may not align with the city's Comprehensive Plan goals.

City Attorney Gaughan indicated while listening to the Council he heard a proposed third finding that would state: "The proposed additional roadway would materially and negatively disrupt the reasonable use and enjoyment of neighboring properties". He pointed out that the contents of the RCA does reference the fact that this is an area that has already been guided by way of the Comprehensive Plan and it strikes him that if the maker of the motion is agreeable, within this whole conversation is the idea that "The current Comprehensive Planned Guidance is the result of significant public input, staff review and Council deliberation and that the current proposal does not provide a compelling basis to reverse that decision making process."

Councilmember Groff agreed with Mr. Gaughan's analysis, stating that is exactly how he feels.

Councilmember Willmus concurred.

Councilmember Etten asked how this finding would be different from other Comprehensive Plan changes, noting the City does a handful of every single year for a variety of reasons and for a variety of different kinds of developments, otherwise is the City setting a precedent.

City Attorney Gaughan explained as worded, this finding states the City does have an in-depth process for how it has arrived at the current guidance and the proposal does not provide a compelling basis to reverse that. There may be other projects and other circumstances which have occurred in the past where a compelling basis has been put forth to deviate from the current Comp Plan Guidance. That is the distinction here and as worded, he did not believe it created any precedent.

Councilmember Laliberte indicated the city's Comprehensive Plan was approved within the past few months so it is not a Comprehensive Plan that was discussed and reviewed nine years ago. This is a recent Comprehensive Plan in which the City spent a lot of time working on it.

Mayor Roe did not think the Council needed to make a point about how much time was spent on the Comprehensive Plan because staff made a comment in the RCA that not every parcel was reviewed thoroughly and a lot of the parcels are left the way they were previously for lack of compelling reason to change them at that time. He explained he was willing, himself, to accept this finding focusing mostly on this proposal has not made a compelling case to make the change rather than the extent of review of the use on this property in the new Comprehensive Plan.

Councilmember Etten thought it was important to note that the RCA mentions the developer can come back tomorrow and develop LDR-1 or ask for a slight change to LDR-2 and put a number of homes here because then the developer is within the Comprehensive Plan. He thought it was important for the neighborhood to understand this, that the developer and Shannon family have a legal contract, and the City does not have a say in that except on how the land can be used at some level.

Mayor Roe agreed and thought that within the existing zoning, the landowner and developer could come back with a plat proposal that would subdivide the property within the existing zoning designation and that would have to be judged on the basis of the proposed plat. The City should clearly state that within the existing zoning, a development could happen. He indicated one of the clear driving factors for him in considering any plat for this site was the road proposal along the property boundaries.

**Roll Call**

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

**Nays:** None

Councilmember Willmus indicated he would like the Council, in the near future, to have a conversation with respect to the creation of thru lots that affect adjacent properties. He would leave it up to staff to bring that conversation before the Council in a timely fashion.

Council concurred.

Willmus moved, Laliberte seconded, denial of the requested Zoning Map Change from Low-Density Residential 1 to Medium-Density Residential, based on the content of this RCA, public input, the recommendation of the Planning Commission, and City Council deliberation, in order to ensure that the zoning map remains consistent with the guidance and intent of the Comprehensive Plan.

**Roll Call**

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

**Nays:** None

Willmus moved, Etten seconded, denial of the proposed Midland Legacy Estate 2<sup>nd</sup> Addition preliminary plat, based on the content of this RCA, public input, the recommendation of the Planning Commission, and City Council deliberation, because it does not conform to the requirements of the Low-Density Residential 1 zoning of the subject property.

**Roll Call**

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

**Nays:** None

- g. Hold a Public Hearing and Adopt a Resolution Approving a Minor Plat for Owasso Gardens, Consolidating Four Existing Lots Addressed as 3011, 3029, and 3033 Rice Street & 165 South Owasso Boulevard Into One Lot (PF20-016)**  
City Planner Thomas Paschke briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 27, 2020.

Ms. Leah Stockstrom, CommonBond Communities, addressed the City Council.

Mayor Roe reviewed public hearing protocol and opened and closed the public hearing at approximately 8:42 p.m. for the purpose of receiving public input on the above-referenced Minor Plat for Owasso Gardens; with no one indicating a desire to speak for or against.

Etten moved, Groff seconded, adoption of Resolution No. 11732 entitled, "Resolution Approving The Minor Plat of Owasso Gardens."

### **Council Discussion**

Councilmember Etten felt the Council had a lot of discussion on this project in 2019 and did not think there was a lot to add.

Councilmember Groff concurred.

Councilmember Willmus indicated he will be voting against the recombination and thought being consistent, he did not agree with the rezoning in this location. It was not a vote against CommonBond or affordable housing, but more as an acknowledgement that there is a significant portion of the community already zoned high density residential. That was his objection from the beginning of the project and he still did not support the recombination.

### **Roll Call**

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

**Nays:** Willmus.

**h. Discuss Brokerage Representation for the Fairview Fire Station (2501 Fairview Avenue)**

Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 27, 2020.

Councilmember Willmus asked from Ms. Gundlach's perspective should the City be holding off on any kind of brokerage agreement before the City figures out what it has. As he thought more about this over the last day or so, he was starting to feel strongly that the City should try to resolve some of the issues it has with the carrier leases as well as figure out what the City is doing with the easements and what those will look like before turning this over to a brokerage. So from the get-go, the brokerage knows what the city has and what the broker is working with which ultimately better positions the City of Roseville.

Ms. Gundlach indicated that is a question staff went back and forth on numerous times and she did involve the City Attorney in these discussions. Staff did not think the City needed to have all five leases amended and signed before entering into a brokerage agreement. Staff actually thinks the threat of sale will motivate the telecommunication carriers to act by signing those agreements and brokers are very convincing when the broker wants a sale to happen. Their help in addition to the effort that staff has put in with trying to get them to act on these, might be that additional motivation the City needs from them in order to follow through. She



understood Councilmember Willmus' point but thought there was also a benefit to bringing the broker on at this point.

Mayor Roe thought there was not a reason the City could not initiate a rezoning process because of the fact that it is very likely the zoning would be the Regional Business One, or tTwo, consistent with the surrounding properties because that is also consistent with the Comprehensive Plan.

Ms. Gundlach indicated the City could start that process at any point. If that is an impediment to a sale, just removing a barrier would be helpful. She thought the reason the City has not done it, is because the City has been contacted by someone who was not interested in the property and their use would probably fall into institutional not a tax generator. Staff wanted to make sure that the Council wanted to hire a broker and list this on the open market before actually following through with the rezoning. But staff could certainly initiate that action at any point at the desire of the Council.

Mayor Roe did not think it was the Council's intention to have another institutional use go in there, but he would open it up to the Council for discussion.

Councilmember Laliberte indicated she would be supportive of conveying this to the EDA. She thought the City needed to have all of the tools available to them and be able to find the highest and best use for that property. She did not envision this would stay institutional and envisioned that it would generate tax revenue for the city. She thought those conversations were important to be had and if the EDA gives them more abilities to work through all of that, it would be her recommendation.

Councilmember Etten concurred and thought the Council should convey this to the EDA to proceed just because of the additional tools it gives to them. If the City is getting rid of this property, then it should be a tax generating property.

Councilmember Groff agreed but his concern was that this would not be additional risk to the City and would need to be determined with whatever offers the City would get, he assumed.

Councilmember Willmus agreed to advance this to the EDA, which will give the City more leverage. One thing he asked of staff, is whether the Council was a little bit out of order with the actions being requested. He asked if the EDA should actually be a party in entering any agreement with the brokerage company.

Ms. Gundlach stated the only action requested of the Council tonight is to direct staff to engage a broker on a listing agreement. Staff would come back and discuss that in closed session and then ultimately, staff would create a three-party agreement between the city, EDA, and the broker.

Mayor Roe added the highest and best use discussion the Council might have is if this is just property tax revenue, or also jobs of certain types in the community. He thought the EDA could have those discussions. He would not want to overlook that as part of what the City is trying to achieve on the site.

Groff moved, Laliberte seconded, directing staff to engage with Bill Melin of Cushman & Wakefield on a listing agreement for consideration at a future City Council meeting.

Mayor Roe offered an opportunity for public comment with no one indicating a desire to speak.

### **Council Discussion**

Councilmember Groff thanked staff for the work on this item. He thought staff's suggestions were good.

Councilmember Laliberte indicated it has been a long time but the Council did have a conversation at one point that the city has needs for space. This is property the City owns but the size, proximity, and restrictions of the property were not conducive to all the other planning the Council has talked about.

### **Roll Call**

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

**Nays:** None

## **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 July 13, 2020 City Council Meeting Minutes**

Laliberte moved, Groff seconded, approval of the July 13, 2020 City Council Meeting Minutes as presented.

### **Roll Call**

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

**Nays:** None.

## **9. Approve Consent Agenda**

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated July 27, 2020 and related attachments.

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

**Roll Call**

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

**Nays:** None.

**a. Approve Payments**

ACH Payments	\$584,440.88
97079-97192	1,248,783.68
<b>TOTAL</b>	<b>\$1,833,224.56</b>

**b. Approve 1 Temporary Gambling License, and 1 Massage Therapy Establishment License.**

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

**d. Approve Twin Lakes 3<sup>rd</sup> Addition Easement**

**e. Approve Cooperative Agreement with Rice Creek Watershed District for RCD4 Improvements**

**f. Adopt Resolutions 11730 and 11731 Approving a Conditional Use for Two Separate Drive-Through Facilities at Rosedale Center**

**g. Consider Final Approval of Contract with NFP for a Benefit Administration System**

**h. Approve Application for the 2021 Pathways to Policing Grant from the Department of Public Safety Office of Justice Programs**

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

City Manager Patrick Trudgeon reviewed the August 10, 2020 and August 24, 2020 Council meeting with the Council.

Councilmember Groff asked for an update on the situation on Gluek Lane with the property that is being used as an entertainment place.

Mr. Trudgeon indicated he would check with staff for an update. He knew that staff was working on a longer-term solution on that but in the short-term, staff could provide an update and he would send it out to the Council in an email.

Mayor Roe thought in August, staff could give some feedback as to how things have been going with anything related to the mask mandate and how the City may be involved in the enforcement of it.


**11. Adjourn**

Etten moved, Willmus seconded, adjournment of the meeting at approximately 9:10 p.m.


**Roll Call**

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

**Nays:** None.

  
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Daniel J. Roe, Mayor

ATTEST:

  
\_\_\_\_\_  
Patrick J. Trudgeon, City Manager